

KENTUCKY 2024 LAW ENFORCEMENT QUICK REFERENCE GUIDE



This pocket reference guide contains key penal provisions found within the Kentucky Election Code in Title X of the Kentucky Revised Statutes (KRS) and other relevant sections.

- Intimidating or attempting to intimidate an election official in the performance of their duty or conspiring to do so is a felony.
- Unlawfully attempting to prevent a voter from casting their ballot, or intimidating or attempting to intimidate a voter to prevent them from casting a ballot, is a felony.
- Forcibly breaking up or attempting to prevent or obstruct the lawful holding of an election is a misdemeanor.

VOTING HOURS

6 a.m. to 6 p.m.

2024 ELECTION DATES

Primary Election: May 21

General Election: November 5

For upcoming election dates:
elect.ky.gov/Resources/Pages/Election-Calendar.aspx

REPORT SUSPICIOUS BEHAVIOR TO

Your local election official:
elect.ky.gov/About-Us/Pages/County-Clerks.aspx

State Board of Elections:
1-800-246-1399

Intimidation of election officer or board of elections.

KRS § 119.255

Any person who, by threat of violence or in any other manner, intimidates or attempts to intimidate the election officers, the State Board of Elections or a county board of elections in the performance of their duty and any persons who conspire together and go forth armed for the purpose of intimidating said officers, shall be guilty of a Class D felony.

Election officer defined

KRS § 118.015(5)

Any person who, by threat of violence or in any other manner, intimidates or attempts to intimidate the election officers, the State Board of Elections or a county board of elections in the performance of their duty and any persons who conspire together and go forth armed for the purpose of intimidating said officers, shall be guilty of a Class D felony.

Preventing voter from casting ballot -- Interfering with election.

KRS § 119.155

- (1) Any person who unlawfully prevents or attempts to prevent any voter from casting his ballot, or intimidates or attempts to intimidate any voter so as to prevent him from casting his ballot, or who unlawfully interferes with the election officers in the discharge of their duties, shall be guilty of a Class D felony.
- (2) Any person who, by himself or in aid of others, forcibly breaks up or prevents, or attempts to break up or prevent, or obstructs or attempts to obstruct, the lawful holding of an election, shall be guilty of a Class A misdemeanor.

Disobeying election officer's command.

KRS § 119.185

Any person who willfully disobeys any lawful command of an election officer, given in the execution of his duty as such at an election, shall be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500).

**Persons permitted in voting room --
Electioneering and prohibited activities --
Maintenance of order.**

KRS § 117.235

- (1) No person, other than the election officers, challengers, person assisting voters in accordance with KRS 117.255(3), and a minor child in the company of a voter, shall be permitted within the voting room while the vote is being polled, except as follows:
 - (a) For the purpose of voting;
 - (b) By authority of the election officers to keep order and enforce the law;
 - (c) With the express approval of the county board of elections to repair or replace voting equipment that is malfunctioning, and to provide additional voting equipment; or
 - (d) At the voter's discretion, a minor child in the company of a voter may accompany the voter into a voting booth or other private area provided for casting a vote.
- (2) No officer of election shall do any electioneering at any polling place during:
 - (a) The times the polls are open on election day; or
 - (b) Any of the days that in-person absentee voting is conducted.
- (3) (a) No person shall electioneer at any polling place that is being used as a voting location on the day of any election, as established in KRS 118.025, or on any of the days that in-person absentee voting is conducted at that location, or within a distance of one hundred (100) feet of any entrance to a building in which voting is conducted if that entrance is unlocked and is used by voters on any primary or election day or on any of the days that in-person absentee voting is conducted.

- (b) No person shall electioneer within the interior of a building or affix any electioneering materials to the exterior or interior of a building where the county clerk's office is located, or any building designated by the county board of elections and approved by the State Board of Elections for in-person absentee voting, during the hours in-person absentee voting is being conducted in the building.
- (c) No person shall electioneer within one hundred (100) feet of a mail-in absentee drop-box or drop-receptacle.
- (d) No person shall electioneer in any building where training for election officers is being conducted during the time of the training.
- (e) 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, bumper stickers affixed to a person's vehicle while parked within or passing through a distance of one hundred (100) feet of any entrance to a building in which voting is conducted, private property as provided in subsection (7) of this section, or other exceptions established by the State Board of Elections through the promulgation of administrative regulations under KRS Chapter 13A.
- (5) Any precinct election officer, county clerk, deputy county clerk, or any law enforcement official may enforce the election laws and maintain law and order at the polls and within one hundred (100) feet of any entrance to the building in which voting is conducted if that entrance is unlocked and is used by voters. Assistance may be requested of any law enforcement officer.

Acts prohibited to challengers.

KRS § 117.317

A challenger appointed and certified as provided in KRS 117.315 shall not:

- (1) Electioneer or campaign on behalf of any candidate, issue, or political party;
- (2) Handle official election materials except as provided in KRS 117.187;
- (3) Attempt to intimidate or harass, verbally or otherwise, any voter who is being challenged or any precinct election officer;
- (4) Behave in any manner to disrupt activities at the polling place;
or
- (5) Attempt to interfere with the proper conduct of the election.

Ordering of challengers from polling places.

KRS § 117.318

- (1) It shall be the duty of a precinct election officer to warn a challenger who violates any provision of KRS 117.187 [relating to required training] and 117.316 to 117.318 [relating to duties and prohibitions of challengers]. If the challenger continues to violate these provisions, the precinct election officer shall order the challenger out of the polling place. Any challenger ordered from the polling place shall be prohibited from acting as a challenger in any precinct in any election for a period of five (5) years.
- (2) The provisions of KRS 117.187 and 117.316 to 117.318 shall apply to all challengers in all elections conducted in the Commonwealth.

Removal or destruction of election supplies or booths.

KRS § 119.105

- (1) Any person who steals or willfully destroys any of the election supplies required to be furnished by the county clerk shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), and imprisoned in the county jail for not less than one (1) month nor more than six (6) months.
- (2) Any person who, during an election, knowingly and willfully removes or defaces the cards printed for the instruction of the voters, or destroys or removes any booth or other convenience provided for the election, or induces or attempts to induce any person to commit any such act, shall be imprisoned in the county jail for not less than six (6) months nor more than one (1) year.

Unauthorized possession of key to voting machine, equipment, or system -- Tampering with, injuring, or destroying ballots, machines, equipment, or systems.

KRS § 119.115

- (1) Any unauthorized person found in possession of any key to a voting machine, voting equipment, or voting system to be used or being used in any primary, regular election, or special election shall be guilty of a Class A misdemeanor.
- (2) Any person who, during or before any primary, regular election, or special election, willfully tampers with or attempts to tamper with, disarrange, deface, or impair in any manner whatsoever, injures, or destroys any ballot, or destroys any voting machine, voting equipment, or voting system while in use at an election or at any other time, or who shall, after such voting machine, voting equipment, or voting system is locked and sealed in order to preserve the record of the vote, tamper with or attempt to tamper with the record of the vote, or who aids or abets with intent to destroy or change the record of the vote shall be guilty of a Class D felony.

- (3) Any election official, or other person entrusted with the custody or control of any voting machine, voting equipment, or voting system shall be guilty of a Class D felony if he or she knowingly and intentionally:
- (a) Causes or permits any voting machine, voting equipment, or voting system to fail to correctly register or count votes cast, tampers with or disarranges such voting machine, voting equipment, or voting system in any way;
 - (b) Unlawfully opens a voting machine, voting equipment, or voting system;
 - (c) Prevents or attempts to prevent the correct operation of a voting machine, voting equipment, or voting system;
 - (d) Causes a voting machine, voting equipment, or voting system to be used or consents to its being used for any election with knowledge of the fact that the voting machine, voting equipment, or voting system is not in order, or not perfectly set and adjusted to correctly register all votes cast;
 - (e) Removes, changes, or mutilates any ballot; or
 - (f) Directly connects or attempts to directly connect a voting machine, voting equipment, or voting system that tabulates or aggregates votes to a public network, including the Internet, at any time.

Removing or tampering with ballots.

KRS § 119.195

- (1) Any person who, during an election, knowingly and willfully removes or attempts to remove an official ballot from the election room, or has in his possession outside the election room any official ballot, either genuine or counterfeit, shall be guilty of a Class D felony.

- (2) Any voter who attempts to leave the election room with an official ballot in his possession shall at once be arrested on demand of either of the judges of election and shall be guilty of a violation, unless the act was done knowingly in which event he shall be guilty of a Class A misdemeanor.
- (3) Any person who takes or removes in any manner, feloniously or with the consent or permission of the custodian, any official ballot from any place where it may lawfully be, or knowingly and willfully has in his possession or custody any such official ballot, except as an officer or custodian under the law or while within the polling place for the purpose of voting, and any custodian or officer who permits any official ballot to be removed or carried away from the place where it may lawfully be by any person other than the officer or custodian whose duty it is to receive it, shall be guilty of a Class C felony.
- (4) Any election officer, or other person entrusted with the custody or control of any official ballot, either before or after it has been voted, who in any way marks, mutilates, or defaces any official ballot or places any distinguishing mark thereon, for the purpose of vitiating the official ballot, shall be guilty of a Class C felony.
- (5) Any person who unlawfully destroys or attempts to destroy any official ballot box used, or any official ballot deposited, at any election, or who unlawfully, by force, fraud, or other improper means, obtains or attempts to obtain possession of any ballot box or any official ballot therein deposited, while the voting at any election is going on or before the official ballots are duly taken out and counted according to law, shall be guilty of a Class D felony.
- (6) Any election officer who mutilates or tampers with any of the seals, or destroys or removes any official ballots required to be preserved, shall be guilty of a Class D felony.

- (7) Any county clerk who knowingly and willfully opens any ballot box and removes any official ballot therefrom, or removes, destroys, or tampers with a ballot box and official ballots left in his care and custody, or permits any other person to do so, during the period the boxes are required to remain locked in his office, shall be guilty of a Class D felony
- (8) Any person who removes, mutilates, or destroys, or adds any new official ballots to, the regular official ballots that have been counted and prepared for preservation, or that have already been preserved, so that the result of the election in the precinct or county is changed, shall be guilty of a Class D felony.

Alteration, suppression, or destruction of stub book, return, or certificate of election.

KRS § 119.235

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

Penalties for falsely personating a voter or voting by nonresident or unqualified person.

KRS § 119.165

- (1) Any person who falsely personates a registered voter, and receives and casts a ballot by means of such personation, shall be guilty of a Class D felony. An attempt at such personation shall constitute a Class A misdemeanor.

- (2) Any person who, by means other than falsely personating a registered voter, votes at an election in this state when he is a resident of another state or country, or votes more than once at an election, or votes by use of the naturalization papers of another person, shall be guilty of a Class D felony. Any person who knowingly votes or attempts to vote in a precinct other than the one in which he resides shall be guilty of a Class A misdemeanor, unless by voting in a precinct in which he does not live he is enabled to vote in a race or on a matter in which he could not vote in his proper precinct in which case he shall be guilty of a Class D felony. Any person who lends or hires his or another's naturalization papers to be used for the purpose of voting shall be subject to the same penalty.

Receipt of illegal vote or rejection of legal vote by election officer.

KRS § 119.175

- (1) Except as provided in subsection (2) of this section, any officer of election who receives, assents to receive or records a vote at an election at a time or place known by him not to be the time and place lawfully appointed, or who knowingly receives the vote of any person other than a qualified voter, or refuses to receive the vote of a qualified voter, shall, for each offense, be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), and shall forfeit any office he holds and be disqualified from ever holding any office.
- (2) Any judge of a primary election who knowingly receives a vote of an elector who is not qualified to vote in the primary election under KRS 116.055 shall be fined one hundred dollars (\$100) for each offense.

Violation of law or failure to perform duty by member of board of elections.

KRS § 119.245

Any member of the State Board of Elections or of a county board of elections who willfully and knowingly violates any provision of the statutes relating to his duties, or fails to execute faithfully any of the duties imposed upon him by law, for which no other penalty is provided, shall be guilty of a Class B misdemeanor.



Committee for

**SAFE AND SECURE
ELECTIONS**

