

# State Board of Elections

**Records Retention Schedule** 

Prepared by the State Records Branch Archives and Records Management Division Approved by the State Libraries, Archives, and Records Commission



This records retention schedule governs retention and disposal of records created, used, and maintained by this agency. Government records in Kentucky can only be disposed of with the approval of the State Libraries, Archives, and Records Commission (the Commission). If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records. This agency-specific schedule was drafted by agency personnel and Archives and Records Management Division staff and reviewed and approved by the Commission. This schedule provides the legal authority for this agency to destroy the records listed, after the appropriate retention periods have passed.

Agency personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used, and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for this agency.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.

#### Audits and Legal Action

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings, or open records matters. These records must be retained at least until all legal or investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

#### Vital Records

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an

agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

#### **Confidential Records**

While all records created, used, and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced. Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.** 

#### **Copies of Records**

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

#### Updating the Retention Schedule

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serves as a records officer. The agency records officer represents that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

#### **Board of Elections**

The Board of Elections was created in October 24, 1900, as Board of Election Commissioners and consisted of two members, one Republican and one Democrat. It is currently an independent agency that administers the Commonwealth's election laws, promulgates administrative regulations necessary to properly carry out its duties, supervises the registration and purgation of voters, appoints the political party representatives to the 120 county boards of elections, and certifies the official election results. The State Board of Elections is comprised of seven members: the Secretary of State (Chairman), three Democratic members, and three Republican members. It is governed by KRS Chapter 117.

# **RECORDS RETENTION SCHEDULE**

### Signature Page

# State Board of Elections

Agency

Unit

March 8, 2018

Schedule Date

December 13, 2018

Change Date

December 13, 2018

Date Approved By Commission

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## APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

Agendy Head

DEARING. JARED **/E DIRECTOR** 

Agency Record

BURN, TRAINING OFFICER

State Archivist and Records Administrator Director, Archives and Records Management Division **NOVEMBER 14, 2018** Date of Approval

**NOVEMBER 14, 2018** Date of Approval

Date of Approval

Chairman, State Libraries, Archives, and **Records Commission** 

DEC 1 4 2018 Date of Approval

The undersigned Archives and Records Management Division staff have examined the record items and recommend the disposition as shown:

Records Analyst/Regional Administrator

Appraisal Archivist

State/Local Records Branch Manager

11.2818 Date of Approval

12/14/17 Date of Approval

12-14-18

Date of Approval

The determination as set forth meets with my approval.

Auditor of Public Accounts

213/20/8 Date of Approval

Archives and Records Management Division

		NCY RECORDSGeneral GovernmentN SCHEDULEElections, State Board of	Record Group Number 0970
Serie	Records Title and Description	Function and Use	
01986	Certificates of Elections	This series documents copies of Certificates of Elections issued to the elected candidate by Board of Elections pursuant to the require the successful candidate was voted for by the state at large, was voted for by a district greater than one (1) county, or was a candidate General Assembly.	ments of KRS 118.425 where for member of Congress or the
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.	
	Contents	Series may contain: correspondence, date of election, office, date issued, name.	
Re	tention and Disposition	Retain permanently in Agency.	
01987 Certificates of Nominations		This series documents copies of Certificates of Nominations issued by the State Board of Elections to the nominated candidate for reg 118.365(1).	ular elections pursuant to KRS
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.	
	Contents	Series may contain: Correspondence; the Certificate of Nomination form may include name, date of election, party affiliation, office, da issued.	te Certificate of Nomination
Re	tention and Disposition	Retain permanently in Agency.	
06558	County Board of Elections Notice of Establishment of Elections and Voting Equipment Security Plan - Form SBE 19 (V)	This series documents the Notice signed by each member of the County Board of Elections stating it has established an election and a covering all elections in the county and the security of all voting systems and equipment used in the county ensuring the maximum deg and efficiency of the procedures of voting pursuant to 31 KAR 6:040. 42 USC 15481, Section 301, of the Help America Vote Act of 200 preserve the privacy of the voter and the confidentiality of the ballot, produce election records and provide accessibility for individuals we ensure the requirements have been met and is due on the first day of March of each year, including the no election years.	gree of correctness, impartiality, )2, requires voting systems
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.	
	Contents	Series may contain: Notification certifying the Security Plan and signed by County Board of Elections members, including date signed.	
Re	tention and Disposition	Retain in Agency twenty two (22) months after date filed, then destroy.	
Elections Notice of KAR 4:160 to imple		This series documents the Notice signed by each member of the County Board of Elections stating it has established an Emergency E KAR 4:160 to implement election provisions in the event the Governor issues an executive order delaying or rescheduling an election provisions (1)(b) and KRS 39A.100 (1)(k). The Notice is due to State Board of Elections on the first day of March each year in which a ge	oursuant to provisions of KRS
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.	
	Contents	Series may contain: Notification of procedures to implement Emergency Contingency Plan signed by County Board of Elections members	pers, including date signed.
Re	tention and Disposition	Retain in Agency twenty two (22) months after date filed, then destroy.	

Archives and Records Management Division

		NCY RECORDSGeneral GovernmentN SCHEDULEElections, State Board of	Record Group Number 0970
Serie	Records Title s and Description	Function and Use	
06560	Election Day Complaints (V)	This series documents the complaints from the public regarding elections. Complaints include but not limited to violation(s) of election statutes ar condition of polling places, location of precincts, conduct of election officers and refusal by officials to allow individual to vote.	nd regulations,
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.	
	Contents	Series may contain: Date, time, State Board of Elections' staff person taking call; caller's name, telephone number; details of call and response.	
Re	tention and Disposition	Retain in Agency eight (8) years, then destroy.	
06561	Complaint And Affidavit With Final Determination for Violation of Title III of the Help America Vote of 2002 - Form SBE 21 (V)	This series documents complaint procedures to remedy grievances in elections pursuant to Title III of the Help America Vote Act of 2002, 42 US6 402A and 31 KAR 6:010. The Final Determination is posted on the State Board of Elections internet homepage (www.elect.ky.gov) and in the mo Elections Minutes for the month the final determination is issued.	
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.	
	Contents	Series may contain: Sworn written complaints re violation of Title III signed and dated by complainant, including name and address; person admin of complaint; supporting documentation; if applicable, electronic recording of hearing; Board of Elections' Final Determination.	nistering oath; nature
Re	tention and Disposition	Retain documentation in Agency permanently. Retain electronic recordings in Agency ninety (90) days from date of Final Determination, then del	ete.
06562	County Precinct Maps (V)	This series documents the county precinct maps and listings of exact precinct boundaries submitted to the State Board of Elections pursuant to h	KRS 117.055 (5).
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.	
	Contents	Series may contain: Maps of counties with exact description of precinct boundaries.	
Re	tention and Disposition	Retain in Agency permanently.	
06566	Request for Voter Registration System Access - Form SBE 101, Form SBE 102 (V)	This series documents the county clerk's signed authorization form for a staff member to access the Voter Registration System.	
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.	
	Contents	Series may contain: County name, County Clerk signature, user identification number, employee name, date, and type of system authority.	
Re	tention and Disposition	Retain in Agency until five (5) years after date access is canceled, then destroy.	

Archives and Records Management Division

STATE AGENCY RECORDS RETENTION SCHEDULE			Record Group Number 0970
Serie	Records Title s and Description	Function and Use	
06567	Request for Cancelation of Access to Voter Registration System - Form SBE 101-A, Form SBE 102- A	This series documents the county clerk's signed authorization form for cancelation of a staff member to access the Voter Registration System.	
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.	
	Contents	Series may contain: County name; County Clerk signature; user identification number; employee name; effective date of cancelation.	
Re	Retention and Disposition Retain in Agency until five (5) years after date access is canceled, then destroy.		
06568	Notice of Death and Deceased Voter Notice - Form SBE 03 (V)	This series documents the removal of a voter record from the Voter Registration System by the State Board of Elections within five (5) days upon notification from the Cabinet for Health and Family Services or other reliable sources of the death of a person pursuant to KRS 116.113 (1). The written notification a voter is deceased. Per KRS 117.025 (3)(d), the State Board of Elections shall maintain all information furnished to the board inclusion or deletion of names from voting rosters for four (4) years.	county clerk provides
	Access Restrictions	KRS 61.878 (1)(a) - personal information of decedent, i.e., Social Security Number and date of birth. Agencies should consult legal counsel regar matters.	ding open records
	Contents	Series may contain: County name, county code number, deceased voter's Social Security Number or Voter Identification Number, deceased vote date, date and signature of county clerk.	r's name and birth
Re	etention and Disposition	Retain in Agency four (4) years from date of removal from Voter Registration System, then destroy.	
Incompetency (V) Circuit Clerk that a person has been declared for any primary or general pursuant to KRS 11		This series documents the removal of the name of a person from the Voter Registration System by the State Board of Elections on receipt of the Circuit Clerk that a person has been declared incompetent, except that no voter's name may be removed during the period of time the registration for any primary or general pursuant to KRS 116.113 (2). Per KRS 117.025 (3)(d), the State Board of Elections shall maintain all information furnis relating to the inclusion or deletion of names from voting rosters for four (4) years.	n books are closed
	Access Restrictions	KRS 61.878 (1)(a) - personal information. Agencies should consult legal counsel regarding open records matters.	
	Contents	Series may contain: Notification of Incompetency; name, address and county of residence of individual; copy of incompetency order; verification t purged from Voter Registration System; date and name of employee that performed the deletion.	hat name has been
Re	etention and Disposition	Retain in Agency four (4) years from date of removal from Voter Registration System, then destroy.	

Archives and Records Management Division

Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS		General Government	
RETENTION SCHEDULE		Elections, State Board of	
Records Title	n Eunction and Use		

Record Group Number 0970

Series	Records Title and Description	Function and Use
06570	Notice of Convicted Felon (V)	This series documents the removal of an individual from the Voter Registration System by State Board of Elections on receipt of the notification from the United States Attorney's Office and/or Administrative Office of the Courts that a person has been convicted of a felony offense pursuant to KRS 116.113 (3). Per KRS 117.025 (3)(d), the State Board of Elections shall maintain all information furnished to the board relating to the inclusion or deletion of names from voting rosters for four (4) years.
	Access Restrictions	KRS 61.878 (1(a) - personal information, i.e. Social Security Number. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Notification of Felony Offense conviction; name, address, county of residence; verification voter record has been purged from Voter Registration System; date and name of employee that performed the deletion of the name.
Re	tention and Disposition	Retain in Agency four (4) years from date of removal from Voter Registration System, then destroy.
06571	Out-of-State Notice	This series documents notice of registered Kentucky voters who have moved out of state. Per KRS 117.025 (3)(d), the Board of Elections shall maintain all information furnished to the Board relating to the inclusion or deletion of names from voting rosters for four (4) years.
	Access Restrictions	KRS 61.878 (1)(a) - personal information, i.e., Social Security Number and date of birth. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Name, address, date of birth, Social Security number.
Re	tention and Disposition	Retain in Agency four (4) years from date of removal from Voter Registration System, then destroy.
06572	Provisional Ballot Voter Credit - Form SBE 02	This series documents a County Board of Elections' Provisional Ballots report to State Board of Elections of individuals who voted a provisional ballot and were given credit for a provisional vote pursuant to 31 KAR 6:020. Provisional Ballots are only used in federal elections.
	Access Restrictions	KRS 61.878 (1)(a) - personal information, i.e., Social Security Number and date of birth. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: County name, election date, voter name, voter Social Security Number, voter identification number, county clerk name, county clerk signature, date signed.
Re	tention and Disposition	Retain in Agency five (5) years, then destroy.
06573	Voter Credit Form - Form SBE 04	This series documents voters who should receive voter credit manually.
	Access Restrictions	KRS 61.878 (1)(a) - personal information, i.e. Social Security Number and Date of Birth. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: election (primary or general), date of election, county name, social security number, voter identification number, voter's name.
Re	tention and Disposition	Retain in Agency five (5) years, then destroy.

Archives and Records Management Division

STATE AGENCY RECORDS RETENTION SCHEDULE			General Government Elections, State Board of	Record Group Number 0970
Serie	Records Title s and Description	Function and Use		
06574	List of Voters Issued Absentee Ballots - Form SBE 33A	This series represents the County Bo requirements of KRS 117.085, KRS 1	pard of Elections' Post-election Report to State Board of Elections listing the absentee ball 117.086 (7), and KRS 117.355 (2).	ots after each election per the
	Access Restrictions	Agencies should consult legal counse	el regarding open records matters.	
	Contents		recinct code, election (primary or general), date of election, name of voter, date first ballot d or date if voter voted in clerk's office, signature of county clerk.	mailed or issued, date second ballot
Re	tention and Disposition	Retain in Agency five (5) years, then	destroy.	
06575 Number of Rejected Absentee Ballots and Reasons for Rejected Ballots - Form SBE 33B			pard of Elections' report listing the number of rejected absentee ballots and reasons the ba within ten (10) days after any primary or general election per the requirements of KRS 117	
	Access Restrictions	Agencies should consult legal counse	el regarding open records matters.	
	Contents	Series may contain: county name, ele	ection (primary or general), date of election, number of rejected absentee ballots, reasons	for rejected absentee ballots.
Re	tention and Disposition	Retain in Agency five (5) years, then	destroy.	
Returned, and military personnel, their			pard of Elections' post-election report submitted to State Board of Elections indicating the r and overseas voters, the number of ballots voted in County Clerk's office and the number	
	Access Restrictions	Agencies should consult legal counse	el regarding open records matters.	
	Contents		ection (primary, general, or special), date of election, number of issued ballots to military a f voters that voted in County Clerk's office or the ballots were returned by mail, number of	
Re	tention and Disposition	Retain in Agency five (5) years, then	destroy.	

Archives and Records Management Division

Records Title	
Series and Description Function and Use	
06577 County Board of Elections Post- Elections Post- Election Report - Form SBE 54	
Access Restrictions Agencies should consult legal counsel regarding open records matters.	
Contents Series may contain: Report stating any irregularities of which the county board has knowledge with recommendations for improving the election privation additional information required by the State Board. County name, election (primary or general), date of election.	ocess, including any
Retention and Disposition Retain in Agency five (5) years, then destroy.	
06578 County Board of Elections Post- Election Statistical Report - Form SBE 54A	
Access Restrictions Agencies should consult legal counsel regarding open records matters.	
Contents Series may contain: number of voters requiring assistance, the reason for assistance, the number of absentee ballots, county name, election (prin date of election, precinct code.	nary or general),
Retention and Disposition Retain in Agency five (5) years, then destroy.	
06579 County Board of Elections Precinct Election Officials Absence Report - Form SBE 54B	n (10) days after
Access Restrictions Agencies should consult legal counsel regarding open records matters.	
Contents Series contains: county name, election (primary or general), date of election, name of precinct election official, precinct name or number.	
Retention and Disposition Retain in Agency five (5) years, then destroy.	
06580 County Board of Elections Provisional Ballots Issued to Voters and Counted - Form SBE 54C	
Access Restrictions Agencies should consult legal counsel regarding open records matters.	
Contents Series may contain: total number of provisional ballots voted and counted after any special, primary, or general election.	
Retention and Disposition Retain in Agency five (5) years, then destroy.	

Archives and Records Management Division

	• • • • • • • • •	NCY RECORDS N SCHEDULE	General Government Elections, State Board of	Record Group Number 0970
Serie	Records Title s and Description	Function and Use		
06581	Recapitulation/Tabulati on Sheets	Board of Elections pursuant to KRS 117.275(4	ation sheets of all votes cast in an election, including absentee votes and write-in votes, and prepare ). The County Board shall mail a copy of the tabulation sheets showing the results from each precinc mail or deliver the precinct list from each precinct to the State Board of Elections pursuant to KRS 11	t to the State
	Access Restrictions	Agencies should consult legal counsel regarding	ng open records matters.	
	Contents	Series may contain: Name of county and preci	nct, date of election, election results, signature of County Clerk and date.	
Re	tention and Disposition	Retain in Agency five (5) years, then destroy.		
06582	06582 County Boards of This series documents duplicate copies of the Elections Certificates of Appointment		Certificates of Appointment issued to each member appointed to the County Boards of Election by th	ne State Board of
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.		
	Contents	Series may contain: Name of member to the county board of elections, date of appointment, signature of Secretary of State.		
Re	Retention and Disposition Retain in Agency eight (8) years from date of		appointment, then destroy.	
06583	Statistical Reports for congressional district, senate district, and hour		mpiled by State Board of Elections each month listing the voter registration statistics for county precir se district. This series also documents the tracking of registration of voters identifying with political or KRS 118.015 and pursuant to KRS 116.045(8) and 31 KAR 4:150.	
	Access Restrictions	Agencies should consult legal counsel regardin	ng open records matters.	
	Contents	Series may contain: Name of county, precincts voters of independent status.	ncts by congressional, senate or house district; total number of registered voters; associated political organization/group;	
Re	tention and Disposition	Retain in Agency permanently.		
06584	06584 Requests for Voter Registration Data Order Form - Form SBE 84 (05/07)		stration data, specifically precinct lists, to qualified individuals per KRS 117.025 (3)(h) and 31 KAR 3:0	)10 (5).
	Access Restrictions	Agencies should consult legal counsel regarding	ng open records matters.	
	Contents	Series may contain: Name of requester, date of	of request, purpose of request for information, fee.	
Re	tention and Disposition	Retain in Agency five (5) fiscal years, then des	stroy.	

Archives and Records Management Division

STATE AGENCY REC RETENTION SCHE			General Government Elections, State Board of	Record Group Number 0970
Serie	Records Title s and Description	Function and Use		
06585			o requester following the Board's discretionary review and determination that the request does not oursuant to KRS 117.025 (3)(h) and 31 KAR 3:010.	meet the required
	Access Restrictions	Agencies should consult legal counsel regarding	ng open records matters.	
	Contents	Series may contain: Name of requester, purpo	se of the request, date of request, reason for the denial.	
Re	etention and Disposition	Retain in Agency five (5) fiscal years, then des	stroy.	
06586	06586 Voter Turnout Report by Age, Gender, Party, Precinct, and County		but for each precinct and county by party. It also documents the voter turnout Statewide; by Congranty by age, gender, and party.	essional, Senate,
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.		
	Contents	nts Series may contain: Number of voters by age, gender, party, and precinct; district; county.		
Re	etention and Disposition	Retain in Agency permanently.		
06587	Registration System National Voter Registration Act (NVRA) to trac		iled by the State Board of Elections for compliance with Election Assistance Commission (EAC) re k voter registration county totals by source codes for the previous month. The source codes are: 1 - K-Tap; 324 - SNAP; 354 - WIC; 406 - Mail; 504 - All other; 601- High Schools; 805 - Armed Force	01 - Driver's License;
	Access Restrictions	Agencies should consult legal counsel regarding	ng open records matters.	
	Contents	Series may contain: Number of registered vote number of party changes, number of new regis	ers for each county, number of voters in each source code, number of address changes, number o strations, and number of transfers.	f name changes,
Re	etention and Disposition	Retain in Agency two (2) years, then destroy.		
06588	06588 Forms Requisition This series documents requests by county cler Order by County Clerks - Form SBE 100		rks to order election forms from State Board of Elections.	
	Access Restrictions	Agencies should consult legal counsel regarding	ng open records matters.	
	Contents	Series may contain: County and clerk's name,	forms requested, date order request received and sent.	
Re	etention and Disposition	Retain in Agency one (1) year, then destroy.		

Archives and Records Management Division

	STATE AGENCY RECORDS RETENTION SCHEDULE		Elections, State Board of	Number 0970
Serie	Records Title s and Description	Function and Use		
Address Confirmation purge program using the change- Postcards (First address information is correct, no		purge program using the change-of-addre	ress confirmation mailing postcard. Under KRS 116.112, the State Board of Elections s ess information supplied by the U.S. postal service. Postcards are sent out to the last k is required. If the individual's address is incorrect, the recipient returns the postcard by stcards that are returned undeliverable.	nown address. If the listed individual's
	Access Restrictions	Agencies should consult legal counsel reg	garding open records matters.	
	Contents	Series may contain: voter name, voter ad	ddress, county clerk, county clerk address, State Board of Elections address and teleph	one number.
Re	etention and Disposition	Retain until two (2) years after card is retu	urned undeliverable, then destroy.	