



# Board of Elections

Records Retention Schedule

Prepared by the State Records Branch  
Public Records Division

Approved by the State Archives and Records Commission



This records retention schedule governs retention and disposal of records created, used and maintained by the Board of Elections. **Government records in Kentucky can only be disposed of with the approval of the State 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 Board of Elections personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Board of Elections to destroy the records listed, after the appropriate retention periods have passed.

Board of Elections 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 the Board of Elections.

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.**

This retention schedule covers the content of records created by the Board of Elections, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

### **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 serve 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 1932 as Board of Election Commissioners and consisted of two (2) 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

September 1, 1978  
Schedule Date

Unit

September 10, 2015  
Change Date

September 10, 2015  
Date Approved By Commission

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APPROVALS

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

Margyellen Allen  
Agency Head

Aug. 26, 2015  
Date of Approval

Sandy McBurn  
Agency Records Officer

August 26, 2015  
Date of Approval

Wayne Onhit  
State Archivist and Records Administrator  
Director, Public Records Division

9/10/15  
Date of Approval

Wayne Onhit  
Chairman, State Archives and Records Commission

9/10/15  
Date of Approval

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

Pam Compton  
Records Analyst/Regional Administrator

August 11, 2015  
Date of Approval

Jim [Signature]  
Appraisal Archivist

9/9/2015  
Date of Approval

[Signature]  
State/Local Records Branch Manager

9/10/15  
Date of Approval

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The determination as set forth meets with my approval.

Brian Lykins  
Auditor of Public Accounts

9/10/15  
Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION  
Public Records Division  
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
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General Government  
Elections, State Board of

Record Group  
Number  
0970

Series	Records Title and Description	Function and Use
01986	<b>Certificates of Elections</b>	This series documents copies of Certificates of Elections mailed to the elected candidate by Board of Elections pursuant to the requirements of KRS 118.425 where 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 for member of Congress of the General Assembly.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series may contain: Correspondence and the Certificate of Election form which includes the name, address, phone number, date of election, total tabulation of votes, party affiliation, office of election, date Certificate of Election issued.
	<b>Retention and Disposition</b>	Retain permanently in Agency.
01987	<b>Certificates of Nominations</b>	This series documents copies of Certificates of Nominations mailed by the State Board of Elections to the nominated candidate for primary and regular elections and filed with the Office of Secretary of State and/or the county board of elections and/or county court clerk pursuant to the requirements of KRS Chapter 118 and KRS Chapter 118A.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series may contain: Correspondence and the Certificate of Nomination form may include the following information: name, address, phone number, date of election, county or district, party affiliation, office seeking for election, and date of Certification of Nomination.
	<b>Retention and Disposition</b>	Retain permanently in Agency.
03601	<b>Voter Turnout Report by County, Precinct, and Political Party</b>	
	<b>Access Restrictions</b>	
	<b>Contents</b>	
	<b>Retention and Disposition</b>	Retain in Agency permanently.
03602	<b>Daily On-Line Transaction Report (VRS Report)</b>	This series documents the report that is sent to the State Board of Elections from the Department of Information Systems on microfiche as changes are made in voter registrations at the county clerks offices in the state. This report is entered into the Voter Registration System (03600) and documents transactions such as: voter additions to the county and precinct rosters, changes of addresses, voter removals from the rosters. This series is used as a backup to the County Clerks by the State Board of Elections to verify the changes should a discrepancy exist at the local level.
	<b>Access Restrictions</b>	NA
	<b>Contents</b>	Add transactions - shows complete correct voter registration record; Change transactions - shows current correct information on the permanent voter registration record and the change; Delete transaction - shows current complete record and reason for deletion; Program number; Date; Page number; County name and number
	<b>Retention and Disposition</b>	Retain in Agency four (4) years and destroy.

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Series	Records Title and Description	Function and Use
03603	<b>Voter Registration Statistics Report (VRS Printout)</b>	This series documents the changes in voter registrations for each county in the state of Kentucky. These statistics are compiled from the Voter Registration System (03600) to keep track of voter registrations by county, party, race, and by sex. It is updated prior to each election by the State Board of Elections.
	<b>Access Restrictions</b>	NA
	<b>Contents</b>	Date of primary or general election; Name of county; County code; Precinct code number and name; Total in precinct; Total registered by party, race, sex; Re-instated; Move in or out; Transfer in or out; Net change
	<b>Retention and Disposition</b>	Retain permanently in Agency. Note: Routinely microfilmed and security stored by Public Records Division.
03604	<b>Locality/Precinct Code Table (VRS Printout) (All VRS printouts are computer printouts)</b>	This series documents any changes made in the voting districts in Kentucky. This includes the Representative, Senatorial, Congressional, Supreme Court, and Judicial. Voting districts may change because of legislative order or re-districting by the county as populations change. The precincts in each county may increase or decrease or district numbers may change. This series is generated from the Voter Registration System (03600)
	<b>Access Restrictions</b>	NA
	<b>Contents</b>	Locality/Precinct Code Table; Step number; District number; Name of County; Precinct code; Name of District - Representative, Senatorial, Congressional, Supreme Court, Judicial
	<b>Retention and Disposition</b>	Retain permanently in Agency. Note: Routinely microfilmed and security stored by Public Records Division.
06558	<b>County Board of Elections Notice of Establishment of Elections and Voting Equipment Security Plan (V)</b>	This series documents the Notice signed by each member of the County Board of Elections stating it has established an election and voting equipment security plan covering all elections in the county and the security of all voting systems and equipment used in the county ensuring the maximum degree of correctness, impartiality, 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 2002, requires voting systems preserve the privacy of the voter and the confidentiality of the ballot, produce election records and provide accessibility for individuals with disabilities. This Notice ensures the requirements have been met and is due on the first day of March of each year, including the no election years.
	<b>Access Restrictions</b>	Agency has responsibility to consult agency's Legal Department re confidential information.
	<b>Contents</b>	Series may contain: Notification certifying the Security Plan and signed by County Board of Elections members, including date signed.
	<b>Retention and Disposition</b>	Retain in Agency twenty two (22) months after date filed, then destroy.
06559	<b>County Board of Elections Notice of Establishment of Local Elections Emergency Contingency Plan Procedures (V)</b>	This series documents the Notice signed by each member of the County Board of Elections stating it has established an Emergency Election Contingency Plan per 31 KAR 4:160 to implement election provisions in the event the Governor issues an executive order delaying or rescheduling an election pursuant to provisions of KRS 117.015 (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 general election occurs.
	<b>Access Restrictions</b>	Agency has responsibility to consult agency's Legal Department re confidential information.
	<b>Contents</b>	Series may contain: Notification of procedures to implement Emergency Contingency Plan signed by County Board of Elections members, including date signed.
	<b>Retention and Disposition</b>	Retain in Agency twenty two (22) months after date filed, then destroy.

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Series	Records Title and Description	Function and Use
06560	<b>Election Day Complaints (V)</b>  <b>Access Restrictions</b>  <b>Contents</b>  <b>Retention and Disposition</b>	This series documents the complaints from the public regarding elections. Complaints include but not limited to violation(s) of election statutes and regulations, condition of polling places, location of precincts, conduct of election officers and refusal by officials to allow individual to vote.  Agency has responsibility to consult agency's Legal Department re confidential information.  Series may contain: Date, time, State Board of Elections' staff person taking call; caller's name, telephone number; details of call and response.  Retain in Agency eight (8) years, then destroy.
06561	<b>Complaint And Affidavit With Final Determination for Violation of Title III of the Help America Vote of 2002 (V)</b>  <b>Access Restrictions</b>  <b>Contents</b>  <b>Retention and Disposition</b>	This series documents complaint procedures to remedy grievances in elections pursuant to Title III of the Help America Vote Act of 2002, 42 USC 15512, Section 402A and 31 KAR 6:010. The Final Determination is posted on the State Board of Elections internet homepage ( <a href="http://www.elect.ky.gov">www.elect.ky.gov</a> ) and in the monthly Board of Elections Minutes for the month the final determination is issued.  Agency has responsibility to consult agency's Legal Department re confidential information.  Series may contain: Sworn written complaints re violation of Title III signed and dated by complainant, including name and address; person administering oath; nature of complaint; supporting documentation; if applicable, electronic recording of hearing; Board of Elections' Final Determination.  Retain documentation in Agency permanently. Retain electronic recordings in Agency ninety (90) days from date of Final Determination, then delete.
06562	<b>County Precinct Maps (V)</b>  <b>Access Restrictions</b>  <b>Contents</b>  <b>Retention and Disposition</b>	This series documents the county precinct maps and listings of exact precinct boundaries submitted to the State Board of Elections pursuant to KRS 117.055 (5).  Agency has responsibility to consult agency's Legal Department re confidential information.  Series may contain: Maps of counties with exact description of precinct boundaries.  Retain in Agency permanently.
06566	<b>Request for Voter Registration System Access (V)</b>  <b>Access Restrictions</b>  <b>Contents</b>  <b>Retention and Disposition</b>	This series documents the county clerk's signed authorization form for a staff member to access the Voter Registration System.  Agency has responsibility to consult agency's Legal Department re confidential information.  Series may contain: County name, County Clerk signature, user identification number, employee name, date, and type of system authority.  Retain in Agency nine (9) years after date of cancellation to have access, then destroy.

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Series	Records Title and Description	Function and Use
06567	<b>Request for Cancellation of Access to Voter Registration System</b>	This series documents the county clerk's signed authorization form for cancellation of a staff member to access the Voter Registration System.
	<b>Access Restrictions</b>	Agency has responsibility to consult agency's Legal Department re confidential information.
	<b>Contents</b>	Series may contain: County name; County Clerk signature; user identification number; employee name; effective date of cancellation.
	<b>Retention and Disposition</b>	Retain in Agency nine (9) years after date of cancellation to have access, then destroy.
06568	<b>Notice of Death and Deceased Voter Notice (V)</b>	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 receipt of 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 county clerk provides 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 relating to the inclusion or deletion of names from voting rosters for four (4) years.
	<b>Access Restrictions</b>	KRS 61.878 (1)(a) re personal information of decedent, i.e., Social Security Number and date of birth. Agency has responsibility to consult agency's Legal Department re confidential information.
	<b>Contents</b>	Series may contain: County name; county code number; deceased voter's Social Security Number or Voter Identification Number; deceased voter's name and birth date; date and signature of county clerk.
	<b>Retention and Disposition</b>	Retain in Agency four (4) years from date of removal from Voter Registration System, then destroy.
06569	<b>Notice of Incompetency (V)</b>	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 notification from 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 books are closed 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 furnished to the board relating to the inclusion or deletion of names from voting rosters for four (4) years.
	<b>Access Restrictions</b>	KRS 61.878 (1)(a) re personal information; Agency has responsibility to consult agency's Legal Department re confidential information.
	<b>Contents</b>	Series may contain: Notification of Incompetency; name, address and county of residence of individual; copy of incompetency order; verification that name has been purged from Voter Registration System; date and name of employee that performed the deletion.
	<b>Retention and Disposition</b>	Retain in Agency four (4) years from date of removal from Voter Registration System, then destroy.
06570	<b>Notice of Convicted Felon (V)</b>	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.
	<b>Access Restrictions</b>	KRS 61.878 (1)(a) re personal information, i.e. Social Security Number. Agency has responsibility to consult agency's Legal Department re confidential information.
	<b>Contents</b>	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.
	<b>Retention and Disposition</b>	Retain in Agency four (4) years from date of removal from Voter Registration System, then destroy.