Before the Kentucky State Board of Elections

Complaint pursuant to 31 KAR 6:010 and

Title III & IV of the Help America Vote Act of 2002.

Lee Thomason, Complainant,

and   Board Dkt. # _____

County Clerks of Kentucky, Respondents,
Including those listed by name at Tab 1,
        and
County Attorneys of Kentucky, Respondents,
Including those listed by name at Tab 5.

<u>IMO (in the matter of) Non-Conformities</u>
<u>Between Published Sample Ballots and Voting Machine Interface Ballots</u>
<u>and Informalities and Omissions in Voter Instruction Cards.</u>

Stipulation of Dismissal

This matter having been filed and the respondents having been served, the parties hereby stipulate and agree as follows:

In accordance with 31 KAR 6:010 Section 4(7) all claims have been resolved informally, however, this stipulation is not a finding or determination of the issues presented in this matter.

To effect the agreed resolution, the KY BOE will send, or have sent, to the county clerk and the county attorney of each county the memo and voter instruction card templates attached hereto.

Upon the memo and templates being sent, as agreed, this matter is dismissed as settled.

Date: October 17, 2022

By: <u>~s~ Lee Thomason</u>

    Complaintant.

By: _____

    Authorized official of the Kentucky Board of Elections
    and on behalf of respondent-local election officials.

Karen Sellers
Executive Director
karen.sellers@ky.gov

Richard House
Assistant Director
Richard.House@ky.gov

Taylor Brown
General Counsel
TaylorA.Brown@ky.gov

COMMONWEALTH OF KENTUCKY
STATE BOARD OF ELECTIONS

MEMORANDUM   SBE 22-21

To: County Clerks

Via: E-Mail

From: Karen Sellers, Executive Director
         Richard House, Assistant Director
         Taylor Brown, General Counsel

Date: October 17, 2022

Re: Voter Instruction Cards

As you are most likely aware, KRS 117.175 requires that "The county clerk shall, with the county attorney, prepare a sufficient number of instruction cards containing instructions as to the proper method of voting by the use of the voting equipment, and instructions as to the proper method of casting a write-in vote."

The statute further requires that "The instruction cards shall be examined and approved by the county board of elections at the time the voting equipment is examined and approved. The instruction cards shall be delivered to each election clerk by the county clerk at the time that other election supplies are delivered and the election clerk shall post the instruction card at the polling place."

Your vendor may have provided you with instructions cards for your specific equipment already. If not, you may use the templates appropriate to your county's equipment attached to this memo.

Either way, **you MUST post as sufficient amount of instruction cards for your unique equipment at each polling location in your county for the November 8 general election**.

140 WALNUT STREET
FRANKFORT, KY 40601-3240

AN EQUAL OPPORTUNITY EMPLOYER M/F/D
www.elect.ky.gov

PHONE (502) 573-7100
FAX (502) 573-4369
OR (502) 696-1952

Verity
Touch Writer

STEP 1:

• Check in with precinct clerk to assist you with the poll book.

• Clerk and voter verify correct precinct.

STEP 2:

• Poll Worker will activate the voter ballot on the Touch Writer Machine.

• Review precinct on screen. If correct please touch "Begin Voting".

• If the precinct listed on the screen is not correct, let the Poll Worker know.
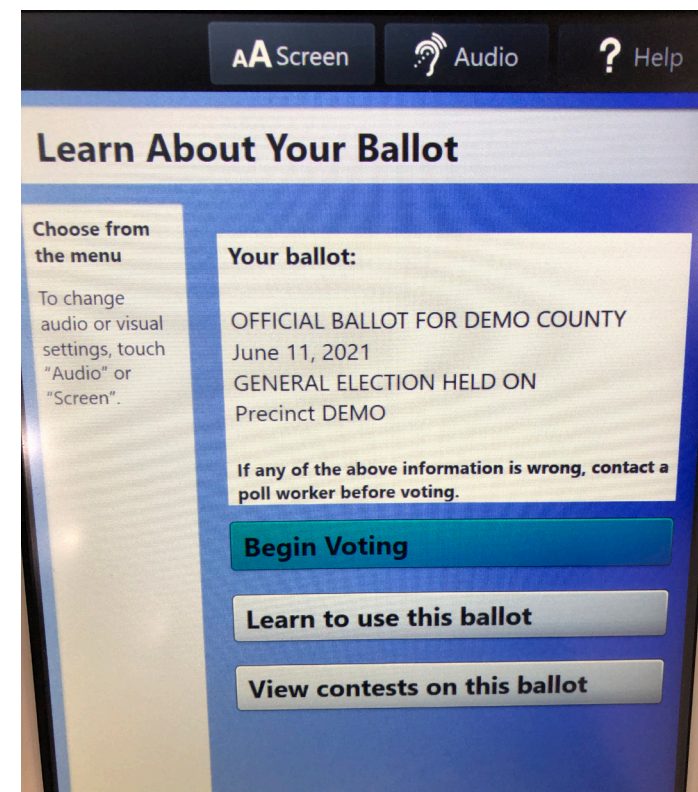
STEP 3:

• To Vote, touch your choice. A checkmark will appear to confirm your choice.

• When done voting, review your choices, then Print Record.
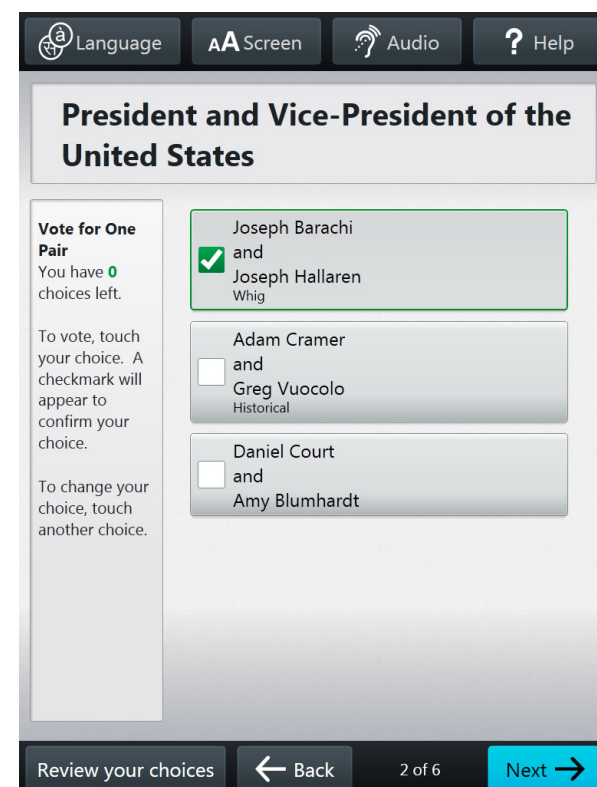
• Your printed vote record should be on the printer right next to the Touch Writer Machine.

STEP 4:

• To cast your vote, take your printed vote record to the separate scanning station and scan it.

• If your printed vote record contains multiple sheets, you must scan all of them.

• Insert the ballot in any direction into the top of the scanner. If your ballot is accepted, the scanner will deposit it into the ballot tub and present a waving American Flag.

• If the ballot will not scan properly, advise the precinct judge.

• If you have any questions, please see the precinct judge.
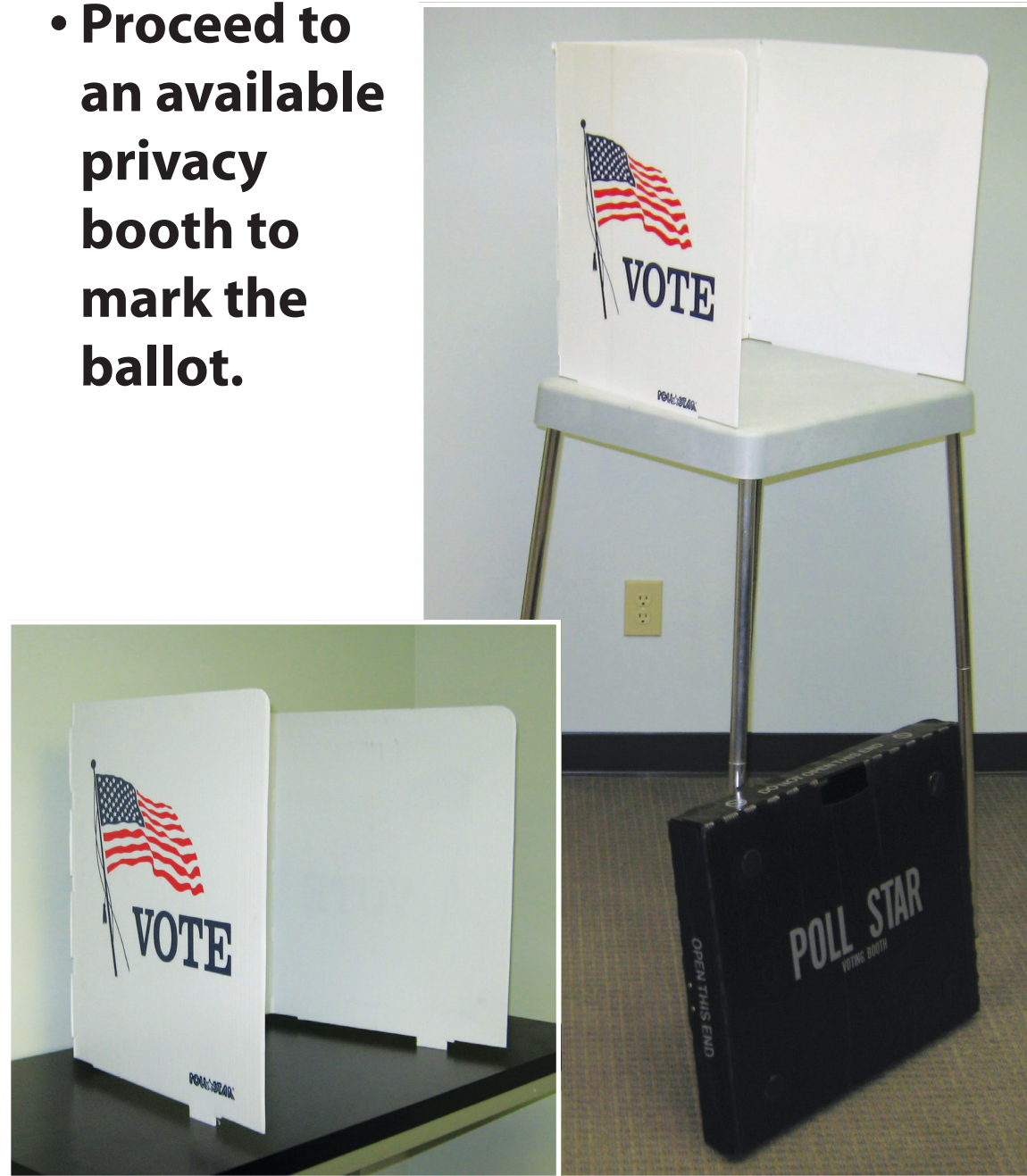
Verity Scan

STEP 1:

- Check in with precinct clerk to assist you with the poll book.

- You will be given a ballot according to how you are registered.

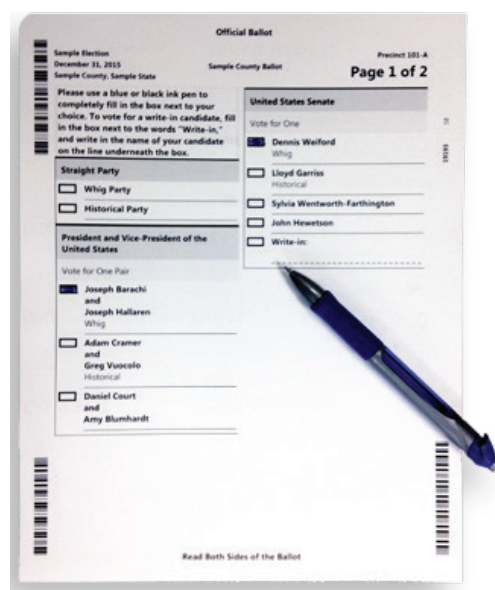- Please verify that you were given the correct ballot.

STEP 2:

- Proceed to an available privacy booth to mark the ballot.

STEP 3:

- Mark the ballot.

- Please fill in the box ▬ next to the candidate you wish to vote for.

- **DO NOT** ✓ the box.
- **DO NOT** ✗ the box.

- Please check the maximum amount of selections available in that each race to make sure that the ballot has not been overvoted.

STEP 4:

- Insert the ballot in any direction into the top of the scanner. If your ballot is accepted, the scanner will deposit it into the ballot tub and present a waving American Flag.

- If the ballot will not scan properly, advise the precinct judge.

- If you have any questions, please see the precinct judge.

Your vote has been recorded.
Thank you for voting.

11:30 AM Friday 12/12/2014 Ballots: 1 Sheets: 1 Lifetime: 23

Verity Duo

STEP 1:
• Check in with precinct clerk to assist you with the poll book.
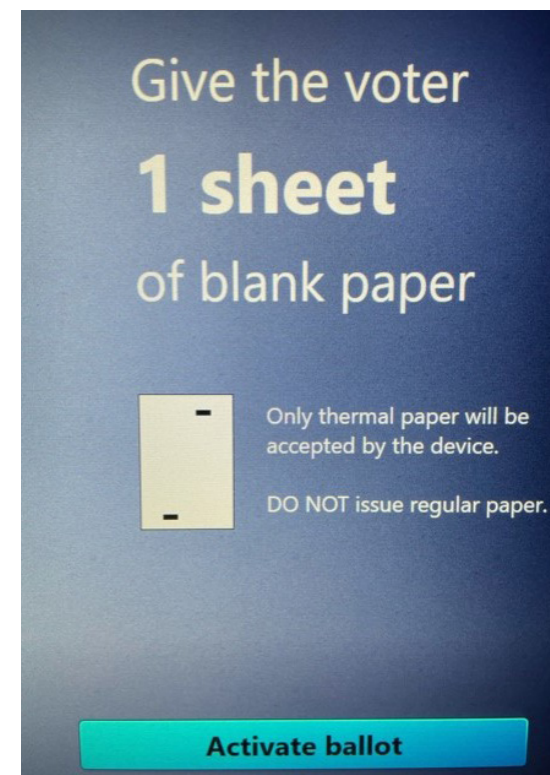
STEP 2:
• You will be given a blank sheet of thermal paper that will be accepted by the Duo Machine.

• You will insert the sheet into the Duo Machine.

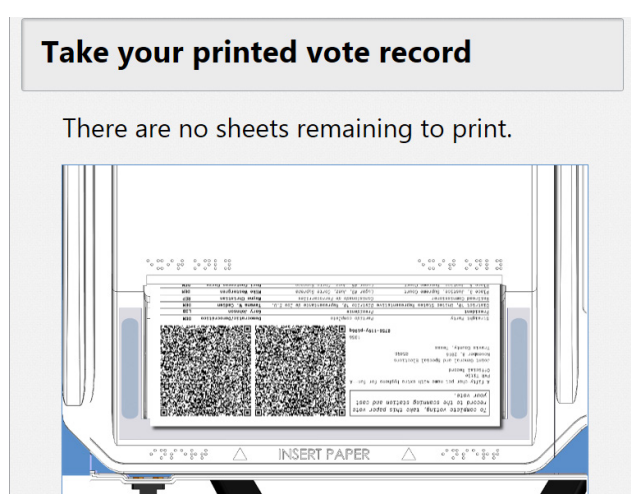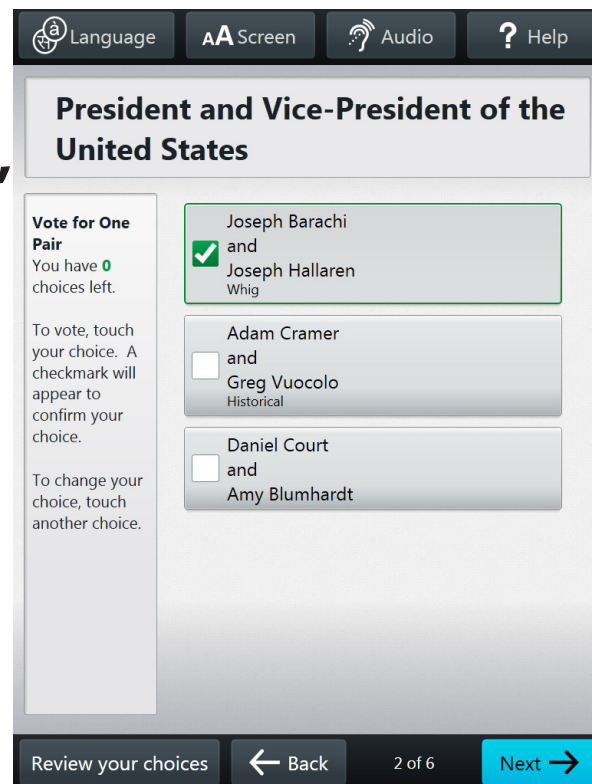• If inserted correctly the screen will show a green checkmark.

• It is normal for the paper to be partly outside of the printer. The paper will stay like this while you vote.

Give the voter
1 sheet
of blank paper

Only thermal paper will be accepted by the device.

DO NOT issue regular paper.

Activate ballot

STEP 3:
• To vote, touch your choice. A checkmark will appear to confirm your choice.

• When done voting, review your choices, then Print Record.

• Your votes will be printed on the blank thermal sheet.

• Make sure the screen says "there are no sheets remaining to print" before taking your printed vote record.

Language Screen Audio Help

President and Vice-President of the United States

Vote for One Pair
You have 0 choices left.

To vote, touch your choice. A checkmark will appear to confirm your choice.

To change your choice, touch another choice.

Joseph Barachi and Joseph Hallaren
Whig ✓

Adam Cramer and Greg Vuocolo
Historical

Daniel Court and Amy Blumhardt

Review your choices   ← Back   2 of 6   Next →

Take your printed vote record

There are no sheets remaining to print.

STEP 4:
• To cast your vote, take your printed vote record to the separate scanning station and scan it.

• If your printed vote record contains multiple sheets, you must scan all of them.

• Insert the ballot in any direction into the top of the scanner. If your ballot is accepted, the scanner will deposit it into the ballot tub and present a waving American Flag.

• If the ballot will not scan properly, advise the precinct judge.

• If you have any questions, please see the precinct judge.

Your vote has been recorded.
Thank you for voting.

11:30 AM   Friday 12/12/2014   Ballots: 1 Sheets: 1 Lifetime: 23

WRITE-IN CANDIDATE VERITY INSTRUCTIONS FOR VOTERS

Option I: Paper Ballot:

Note: Ballot race Identifiers indicate number of Write-ins allowed for each race (i.e., Vote for 1)

1. Completely fill in the box provided to left of the write-in position.
2. Write in the name of candidate in the space identified for Write-in Candidates on the Ballot.

Option II: Verity Duo or Touch Writer:

Note: Voters using the DUO or Touch Writer can use the touch screen or the ATI module. Ballot race Identifiers indicate number of Write-ins allowed for each race (i.e., Vote for 1)

A. Touchscreen:

1. Touch **"To enter write-in, touch here."**
   This places a **GREEN CHECK MARK** in the box.
2. Use the touchscreen to type in the Candidate name.
3. Touch **Accept.**

B. ATI Module:

1. Turn the **Move** wheel **[1]** to the write-in choice and press the **Select Button [2]**.
2. Turn the **Move** wheel to the first letter of the Candidate's name.
   [This will turn the letter box **BLUE** and press **Select**.]
3. To place a space between letters, turn the **Move** wheel to the **Space** block and press **Select**.
4. Repeat Step #2 above until you complete the Candidate's name.
5. Once completed, turn **Move** wheel to highlight the **Accept [3]** block & press **Select**.

6. Other Choices are:
   a. Highlight **Back** block **[4]** to go back one space.
   b. Highlight **Cancel [5]** to return to ballot without writing in a choice.
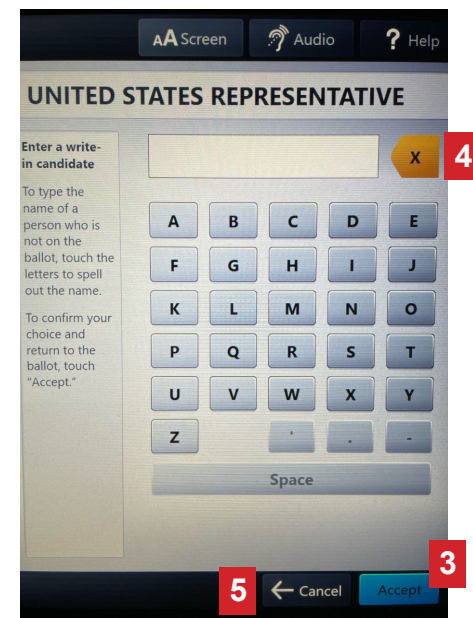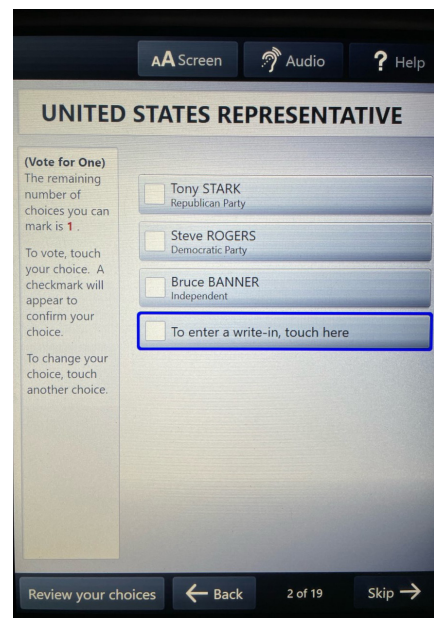
KRS 117.265

The only Write-in Votes That Will be Counted are the ones for a person who has filed a **Declaration of Intent** to be a write-in candidate for a particular office.

Ask Precinct Officer If Any Write-Ins Will Be Allowed Before You Vote.

STEP 1:

Turn the SELECT wheel <u>to the right</u> to highlight the first number of your 4 digit Access Code.

• ACCESS CODE

•1386

•Date: 11-07-2006
•Time: 15:42:21
•Place: Alabama
•Precinct: A148

Press ENTER.

Repeat for each number.

STEP 2:

PRESIDENT	
George Washington	
John Adams	

Turn the **SELECT** wheel to the right. The office you are voting for will be highlighted in **BLUE.**

PRESIDENT	
George Washington	
John Adams	

Turn the **SELECT** wheel to the right again to the Candidate of your choice.

Press **ENTER.**

PRESIDENT	
George Washington	
John Adams	

The box to the left of your choice will change to **RED.** Do this for each office and question on the ballot.

To **CHANGE** your choice, turn the **SELECT** wheel to the **LEFT** or **RIGHT** to make your new choice and Press **ENTER.**
You may use **PREV** or **NEXT** to move through the ballot pages.

STEP 3:

READ THE BALLOT SUMMARY PAGE CAREFULLY

Ballot Summary Page
To change a vote, highlight the contest to change and press ENTER.

Contest	Selected
President	George Washington
United States Senator	Catherine Zeta-Jones
State Rep. District 36	Charles A. Lindbergh
County Commissioner Place 2	Barbara Jordan
City Council Member Place 5	JOHN DOE
Proposition 1	No selections

To change a choice from the Ballot Summary Page, turn the **SELECT** wheel to the right to highlight the selection you wish to change, and press **ENTER**. This will return you to that contest.
Turn the **SELECT** wheel to highlight your **NEW** choice and press **ENTER** which returns the screen back to the Ballot Summary Page.

STEP 4:

After all desired choices have been made, press the **CAST BALLOT** button at the bottom of the machine.

CAST BALLOT

Pressing **CAST BALLOT** from the **FINAL** Ballot Summary Page will complete the voting process and record your vote.

The waving American Flag shows that your vote has been recorded and you may leave the voting device.

eSlate™
The Electronic Voting System

BUTTONS

SELECT Wheel - Turn right to move from contest to contest, to 'select' a number, a letter or a candidate.

ENTER

ENTER - Press to make a choice.

PREV

PREV - Press to go back one page.

NEXT

NEXT - Press to go to the next page.

CAST BALLOT

CAST BALLOT - Press to cast your final vote selection from the **Ballot Summary Page.**

eScan™

Precinct Digital Ballot Imaging

STEP 1:

- **Check in to precinct clerk**

- **You will be given a ballot according to how you are registered.**

- **Please verify that you were given the correct ballot.**

STEP 2:

- **Proceed to an available privacy booth to mark the ballot.**

STEP 3:

- **Mark the ballot.**

- **Please fill in the box** ▪ **next to the candidate you wish to vote for.**

- **DO NOT** ☑ **the box.**
- **DO NOT** ☒ **the box.**

- **Please check the maximum amount of selections available in that particular race to make sure that the ballot has not been overvoted.**

STEP 4:

- **Insert the ballot in any direction into the top of the scanner. If your ballot is accepted, the scanner will deposit it into the ballot tub and present a waving American Flag.**

- **If the ballot will not scan properly, advise the precinct judge.**

- **Vote for no more than the maximum number allowed by race.**

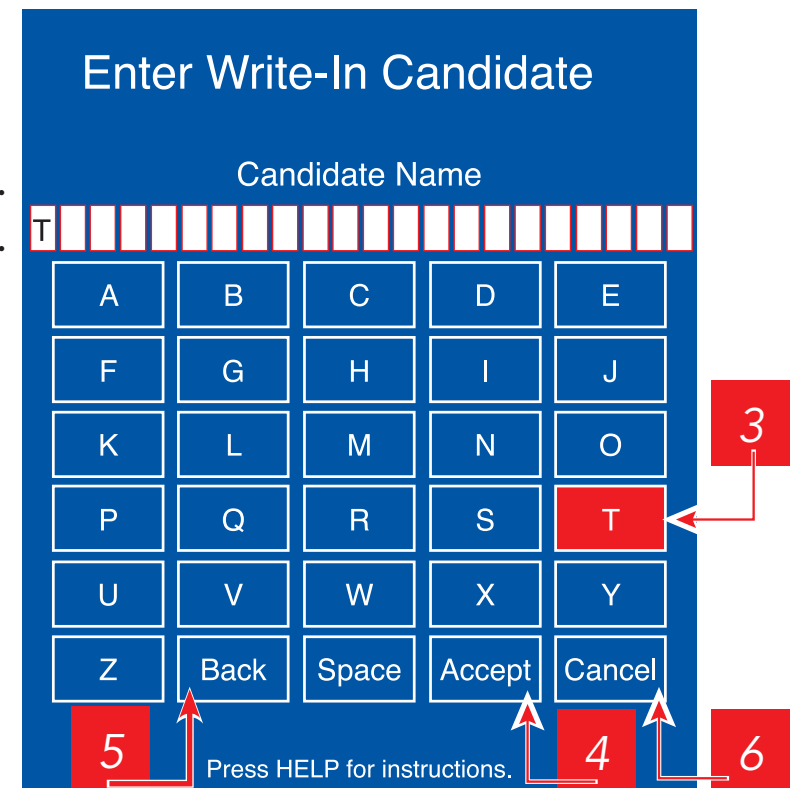- **If you have any questions, please see the precinct judge.**

Instructions for Write-in (eSlate)

To vote for a write-in, if a write-in choice is available:

- Turn the **SELECT** (1) wheel to the write-in choice and press **ENTER** (2).

- Turn the **SELECT** wheel to the appropriate letter you wish to write-in (letter block will turn red (3)) and press **ENTER**.
  - ~ Example write-in candidate: **T CAT**
    - ¬ Turn **SELECT** wheel to highlight "T" and press **ENTER**.
    - ¬ Turn **SELECT** wheel to highlight "Space" and press **ENTER**.
    - ¬ Turn **SELECT** wheel to highlight "C" and press **ENTER**.
    - ¬ Turn **SELECT** wheel to highlight "A" and press **ENTER**.
    - ¬ Turn **SELECT** wheel to highlight "T" and press **ENTER**.

- When finished spelling name, turn **SELECT** wheel to highlight "Accept (4)" and press **ENTER**.

- Other choices are:
  - ~ "Back (5)" to go back a space.
  - ~ "Cancel (6)" to return to the ballot without writing in a choice.

Enter Write-In Candidate

Candidate Name

T																								

A	B	C	D	E
F	G	H	I	J
K	L	M	N	O
P	Q	R	S	T
U	V	W	X	Y
Z	Back	Space	Accept	Cancel

Press HELP for instructions.
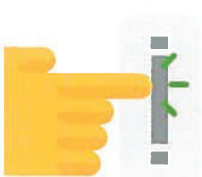
HOW TO CAST YOUR

VOTE

1 INSERT CARD

Insert the activation card.

2 MAKE SELECTIONS

Make selections on the screen.
Use the **PREVIOUS** and **NEXT** buttons
to navigate through the ballot.

3 REVIEW SELECTIONS

Review all selections on the summary
screen. To make changes, touch the
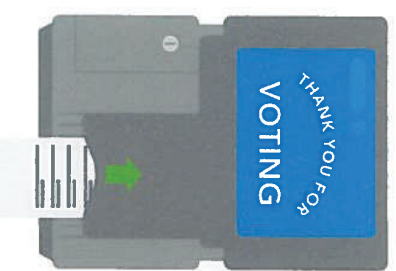contest and make selection.

4 PRINT & INSERT

Once selections are confirmed, touch
PRINT. Review the printed card to
confirm your selections.

Insert the card into the tabulator.
A "Thank You for Voting" message will
appear to confirm tabulation.

THANK YOU FOR VOTING

ExpressVote™ as a Ma

ExpressVote®
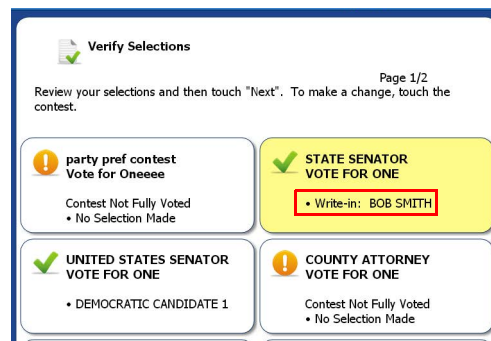## Entering Write-in Votes (EVS6040)

- If a contest allows write-in votes and you wish to vote for a candidate not listed on the ballot, touch the **Write-in** button on the candidate selection screen.
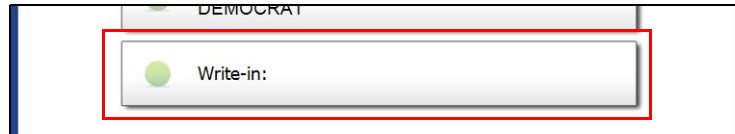
- An on-screen keyboard will appear. Use the keyboard to enter the name of the person you wish to vote for and then touch **Accept**.
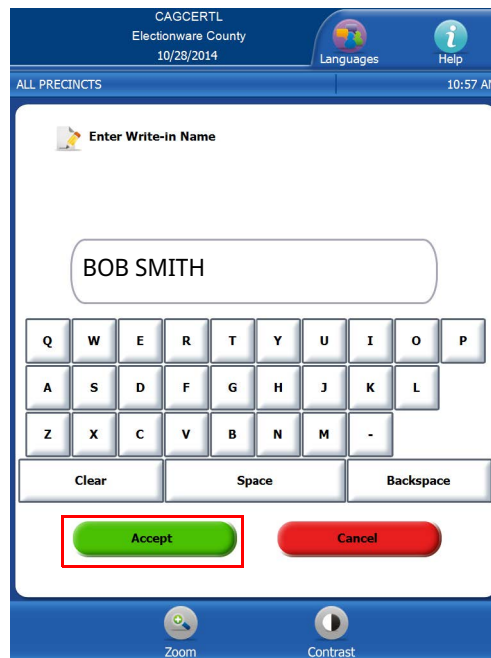
- You can verify your entry on the vote summary screen before printing your vote summary card.
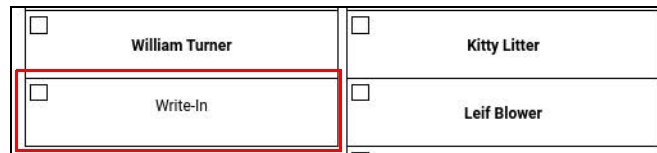

- If you made a mistake or wish to change your vote, you can return to the ballot by touching the **Previous** button to page back through each contest.
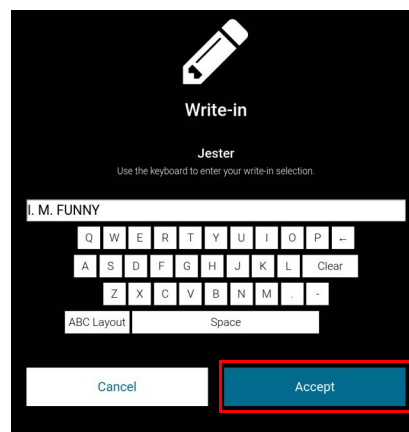
ExpressVote®
## Entering Write-in Votes (EVS6110)

- If a contest allows write-in votes and you wish to vote for a candidate not listed on the ballot, touch the **Write-in** button on the candidate selection screen.

- An on-screen keyboard will appear. Use the keyboard to enter the name of the person you wish to vote for and then touch **Accept**.

- You can verify your entry on the vote summary screen before printing your vote summary card.
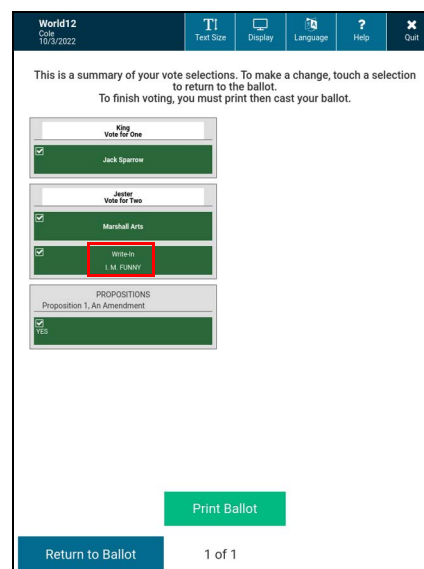
- If you made a mistake or wish to change your vote, you can return to the ballot by touching the **Return to Ballot** button to page back through each contest.