



# COVID-19 School-Based Decision Making Council Elections

May 1, 2020

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## 1. What changes, if any, should be made to SBDM elections during this State of emergency and to comply with Centers for Disease Control and Prevention guidelines?

KRS 160.345(2)(b) requires teacher representatives on SBDM be elected “by a majority of the teachers” and requires parent representatives on SBDM be elected “by the parents of students pre-registered to attend the school ... in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose.”

The Kentucky Department of Education (KDE) interprets KRS 160.345 to also require voting to occur in person because other provisions of the statute reference the specific “time” and physical “location” of the elections.

However, as a result of the COVID-19 pandemic, upcoming SBDM elections may be held by electronic means.

While KDE maintains it is the intent of KRS 160.345 that SBDM voting be done in person, giving local leaders the flexibility to administer electronic voting is justified given the current state of emergency.

## 2. If a school chooses to hold this year’s SBDM election electronically, what process does KDE recommend?

Platforms such as Google Forms or Survey Monkey are widely available and provide an electronic means for soliciting nominations as well as voting. In an ideal scenario, voters would be assigned unique codes that would be entered into the school’s voting platform of choice in order to verify and track voting. At this time, KDE does not recommend elections be conducted via phone or automated calling systems.

An equitable nomination and voting option should be provided for parents that lack access to the internet or do not have the technical capacity to submit forms electronically, particularly for parent elections. For these individuals, districts could choose to use a written form and provide appropriate instructions for completion. This could be by mail or distributed with paper nontraditional instructional materials or meals.

District leaders should consult with the local health department to determine a plan for safely collecting paper documentation. If it is determined that receiving nominations and/or ballots by mail is preferred, voters should be provided postage-paid, addressed return envelopes.

Whether voting is electronic, mail-in or a combination of methods, the election should be widely publicized to voters and a record of all ballots cast must be maintained. Reasonable steps should be taken to ensure only eligible voters cast votes and that only one vote is cast per eligible voter.



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Please ensure this documentation is stored with any identifying information redacted so that, if a request is made for the results under Kentucky's Open Records Act, the anonymity of voters and votes cast will be ensured.

### **3. How can anonymity be ensured if mail-in voting is used for upcoming SBDM elections?**

To better ensure anonymity using paper ballots, a process could be adopted locally that utilizes two envelopes — an outer envelope that includes the voter's name and address to verify eligibility and an inner envelope in which to conceal the completed ballot. Using this approach, voters should be instructed to not make any identifying marks on the inner envelope. Upon receipt of completed ballots and once eligibility has been verified from the outer envelope, the inner envelopes can be separated, opened and counted without regard to any identifying information.

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