

INTERIM JOINT COMMITTEE ON STATE GOVERNMENT

Minutes of the Fifth Meeting of the 2023 Interim

November 6, 2023

Call to Order and Roll Call

The fifth meeting of the Interim Joint Committee on State Government was held on November 6, 2023, at 11:00 AM in Room 149 of the Capitol Annex. Representative Kevin D. Bratcher, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representatives David Hale Co-Chair; Kevin D. Bratcher Co-Chair; Senators Cassie Chambers Armstrong, Greg Elkins, Denise Harper Angel, Amanda Mays Bledsoe, Michael J. Nemes, Damon Thayer, and Gex Williams; Representatives Chad Aull, Adam Bowling, Josh Calloway, Beverly Chester-Burton, Jennifer Decker, Robert Duvall, Derrick Graham, Richard Heath, Samara Heavrin, John Hodgson, Thomas Huff, Mary Beth Imes, DJ Johnson, Scott Lewis, Savannah Maddox, Kimberly Poore Moser, Steve Rawlings, Josie Raymond, James Tipton, Russell Webber, and Susan Witten.

Guests: Jeffrey Sparks, Jr., Administrative Section Supervisor, Department for Public Health, Cabinet for Health and Family Services; Christina Stewart, State Registrar of Vital Statistics, Cabinet for Health and Family Services; and John Steffen, Executive Director, Registry of Election Finance.

LRC Staff: Alisha Miller, Daniel Carter, Michael Clancy, Christina Gordley, Brad Gross, Jennifer Hans, Alaina Spence, Shannon Tubbs, Angela Rhodes, and Peggy Sciantarelli.

Approval of Minutes -September 26 meeting

A motion to approve the minutes of the September 26 meeting was seconded and passed without objection by voice vote.

Office of Vital Statistics – Overview

Jeffrey Sparks, Jr. Administrative Section Supervisor, Office of Vital Statistics, Cabinet for Health and Family Services and Christina Stewart, State Registrar, Office of Vital Statistics, Cabinet for Health and Family Services, provided an overview of the office's core functions, including the sharing of death data with the State Board of Elections.

Under the guidance of the State Registrar, the Office of Vital Statistics performs duties as required by KRS 213.031. The office collects certificates for all births, including foreign and established births, deaths, marriages, divorces, and stillbirths. Currently, submission and registration of all new birth and death records is completely electronic. Marriage

and divorce records are a hybrid process, in which information is collected from each record and entered by staff into the vital statistics database. The vital statistics program maintains and operates the only official system for vital statistics in the Commonwealth.

The Office of Vital Statistics performs four distinct core functions—vital records, public requests, protection, and collaboration.

KRS 213.076 provides the requirements for filing a certificate of death with the State Registrar. Each year the Office of Vital Statistics registers an average of 150,000 vital records of births, deaths, marriages and divorces and an average of 48,000 death records. During 2022, the office registered approximately 4,775 death records each month. On average, death records are registered within 12 calendar days of the date of death. Effective January 1, 2015, administrative regulation 901 KAR 5:025 requires all certificates of death in Kentucky to be filed electronically through the Kentucky Electronic Death Registration System (KY-EDRS).

KRS 213.141 requires the Office of Vital Statistics to notify the State Board of Elections monthly of deaths that occurred the previous month. The death data provided shall include name, address, birth date, sex, race, and social security number of residents over the age of 18. This process is completed by transferring data electronically.

Mr. Sparks stated that death data collected from KY-EDRS is stored in secure servers maintained by the Office of Application Technology Services, on behalf of the Office of Vital Statistics. The death data is then transferred to a secure FTP site called MOVEit—a secure application that encrypts file transfers. Access to the site requires approval from the Commonwealth Office of Technology.

In response to questions from Representative Tipton, Mr. Sparks stated that when a Kentucky resident dies out of state, the certificate would be filed in that state, and the Office of Vital Statistics would receive that information. The office shares data nationally with 57 jurisdictions.

Representative Hodgson commented on a constituent who died in 1994, but had not been released from the voter rolls. He asked whether there is a cumulative death file dating back to 1900 that would be available to the State Board of Elections. Mr. Sparks stated that type of information could be provided upon request but that the data being provided to the board currently is for new deaths that happen each week. When asked by Representative Hodgson, Mr. Sparks and Ms. Stewart responded that they do not have a master file listing all Kentucky citizens.

Responding to Representative Witten, Mr. Sparks stated that his opinion that failure to file a death certificate could potentially impact the decedent's benefits. If the office receives information of a death that was not recorded, it would be reported and filed as a delayed death, but with a current registration date.

Representative Hodgson asked that Mr. Sparks and Ms. Stewart provide information about the length of time their office has been transferring death records to the State Board of Elections, as required by KRS 213.141, and whether there has been an effort to track deaths that occurred prior to enactment of the statutory requirement.

Representative Bratcher spoke about the importance of election security and thanked the speakers for their testimony.

Update on Kentucky Registry of Election Finance computer system

John Steffen, Executive Director, Kentucky Registry of Election Finance, testified that a lot of progress has been made on the Registry's computer system. Fewer bugs are occurring, it is more user friendly, and there are a lot less problems than in the past. There is still work to be done. Much of the work has been "behind the scenes" and would not affect candidates as much as it helps the Registry do its job. A cell phone app is yet to be developed. All aspects of the project are estimated to be completed by the fourth quarter of 2024.

Since the system went live in 2020, about 3,500 statements of spending intent have been processed for those who are going to spend over \$3,000, and more than 13,000 statements of intent have been processed for the under-\$3,000 filers. More than 29,000 financial statements have been processed through the system. When the system went live, old reports that were in the previous system were incorporated into the new, resulting in nearly 200,000 reports in the searchable database. Within the next month or so—in time for the next election cycle—users will have the ability to download and upload records.

Mr. Steffen stated that a survey was conducted last October by Kentucky Interactive. Of the 10,000+ people who use the system, about 10 percent responded. Approximately half were positive about the filing system, and even more felt positive regarding the public search aspect. He feels that the system is making good progress and will continue to make improvements.

Representative Aull asked whether the registry is having a problem recruiting and retaining staff. Mr. Steffen responded that they were short-handed for a while when four or five staff members left. Those working from home during COVID were directed to

return to the office last September, and some found jobs elsewhere that allowed for a telework option or were offered better pay. The office had only one candidate administrator for a while, but the staffing situation is being addressed. He has tried to get pay raises for staff and increased pay rates for entry level candidate administrator positions. Representative Bratcher suggested that Mr. Steffen discuss the salary situation with members of the State Government Committee or the Appropriations and Revenue Committee.

Senator Thayer inquired why there are still “bugs” in the system, Mr. Steffen stated there are a lot of reasons—some relating to the software and the fact that Kentucky Interactive had to migrate old data into the new system. Senator Thayer stated his concern, as sponsor of the mandatory electronic filing legislation, that the system continues to have problems. It is also frustrating for the candidates, their treasurers, and the end users—the media and the public. He commended Mr. Steffen and thanked him for his work.

Representative Tipton encouraged Mr. Steffen to submit an additional budget request to the Appropriations and Revenue Committee staff. Mr. Steffen stated that his staff sometimes has to prioritize their work and requests they make to the vendor. One system requirement that still has not been met is the download feature. Independent expenditure reports are supposed to be filed electronically, and that aspect is not yet complete. The registry is still taking paper copies of the independent expenditure reports and not making them available online for the public.

In response to questions from Representative Tipton, Mr. Steffen discussed cost and other specifics relating to the contract with Kentucky Interactive.

Representative Graham expressed appreciation to Mr. Steffen and encouraged him to address the salary situation on behalf of the registry’s current employees.

Representative Hodgson asked a question about what happens when candidates fail to meet the reporting deadline for registration, Mr. Steffen responded that the registry’s legal department handles delinquencies and follows up with candidates who are delinquent. The registry hired an investigator to reach out to candidates who are delinquent, but that staff person is leaving. He hopes to continue boosting the agency’s enforcement aspect.

In response to Representative Bratcher, Mr. Steffen discussed the background and procedures relating to the statement of spending intent requirement.

Representative Hodgson, referring to initial testimony in the meeting, stated his intention to request that the Office of Vital Statistics send the Board of Elections a list of every death recorded from 1911 until KRS 213.141 began requiring monthly reporting to the board.

Adjournment

Representative Bratcher announced that this was the committee's last meeting of the 2023 Interim. There was no further business, and the meeting was adjourned at 11:53 a.m.