

INTERIM JOINT COMMITTEE ON STATE GOVERNMENT

Minutes of the 6th Meeting of the 2025 Interim

November 13, 2025

Call to Order and Roll Call

The sixth meeting of the Interim Joint Committee on State Government was held on November 13, 2025, at 3:00 PM in Room 154 of the Capitol Annex. Representative DJ Johnson, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Michael J. Nemes, Co-Chair; Representatives David Hale, Co-Chair; DJ Johnson, Co-Chair; Senators Julie Raque Adams, Keturah J. Herron, Amanda Mays Bledsoe, Steve Rawlings, and Lindsey Tichenor; and Representatives Shane Baker, Josh Calloway, Beverly Chester-Burton, Jennifer Decker, Anne Gay Donworth, Jim Gooch Jr., Erika Hancock, John Hodgson, Thomas Huff, Matthew Koch, Matthew Lehman, Chris Lewis, Matt Lockett, Savannah Maddox, Marianne Proctor, Rebecca Raymer, T.J. Roberts, Nancy Tate, James Tipton, and Susan Witten.

Guests: Representative Vanessa Grossl; Michael Frazier, Executive Director, Kentucky Student Rights Coalition; Jeb Cameron, Senior Vice President, Customer & Government Relations, Election Systems & Software (ES&S); Tucker Omel, Director, Solutions Engineering, ES&S; Bob Heisner, Director of Sales, Hart InterCivic (Hart).; Bobby Gantley, President, Harp Enterprises, Inc. (Harp); and Ross Roberson, Vice President, Harp.

LRC Staff: Shannon Tubbs, Daniel Carter, Jesse Farler, Christina Gordley, and Peggy Sciantarelli.

Approval of Minutes - October 21, 2025 Meeting

Representative Lockett moved to approve the minutes of the October 21, 2025, meeting. Representative Proctor seconded the motion, and the minutes were approved by voice vote without objection.

Discussion of 2026 RS BR 25 - AN ACT relating to prohibited uses of tax dollars and resources

Senator Rawlings, primary sponsor, Representative Grossl, and Representative Roberts testified in support of 2026 RS BR 25. The proposed legislation would amend KRS 65.013 to provide that local, state, and federal tax dollars and resources shall not be used to

advocate for or against any public question that appears on the ballot, including constitutional amendments.

Senator Rawlings stated KRS 65.013 protects the integrity of the democratic process by ensuring taxpayer funds are used for public service, not political influence. However, it currently lacks any enforcement mechanism. The proposed revision to include civil and criminal penalties strengthens existing law to ensure accountability and deterrence.

Representative Grossl said she proposes expanding BR 25 to prohibit K-12 public school districts and education cooperatives from engaging in contracts with third party lobbyists and PR firms. The intent is to ensure that taxpayer dollars are directed toward student learning. Her proposed expansion of BR 25 focuses narrowly on K-12 public education and would exempt internal government liaisons or district staff who register as lobbyists, KEA, CASA, and other organizations that advocate on behalf of teachers and school administrators.

Representative Roberts said he believes banning any form of taxpayer funded lobbying would help ensure a "government of, by, and for the people." Despite clearly established state law that tax dollars cannot be used to advocate for or against a ballot question, there was illegal use of taxpayer dollars to advocate against the school choice amendment. This led to public outlash in several counties and a federal lawsuit in Pulaski County. He urged passage of BR 25.

In response to Representative Lockett, Senator Rawlings stated school-related language will be added to BR 25. There will also be discussion about whether to use a separate bill to address the issue of taxpayer-funded lobbying.

In response to Representative Tipton, Representative Roberts said banning taxpayer funded lobbying would address concerns about usage of taxpayer funds to advocate for or against proposed legislation. BR 25 would not prevent public employees from advocating for or against a position in their own capacity.

Co-Chair Nemes questioned how BR 25 might impact Kentucky Association of Counties (KACO) and Kentucky League of Cities (KLC). He understands the intent of BR 25 but cautioned against the legislation excluding lobbying that is needed and is paid for by tax dollars. Senator Rawlings said he would vet the proposed legislation through KACO and KLC. Representative Grossl said she believes KACO and KLC would be exempt.

Representative Lehman expressed concern about BR 25 and the wording relating to impartial advocacy. Representative Roberts said he believes BR 25 would not change the substance of KRS 65.013 but would clarify the language and add penalty provisions.

In response to Representative Proctor, Representative Roberts said there has not been a federal lawsuit relating to constitutionality of using taxpayer funds for lobbying.

Representative Hodgson raised the issue of a petition drive in Jefferson County relating to a large school board proposed tax increase. Discussion followed on the pros and cons of whether BR 25 would apply to that situation.

Representative Donworth spoke against the proposal to prohibit school districts from contracting with third party lobbyists and urged caution when limiting what is permitted for public organizations. In response, Representative Grossl explained why she feels the prohibition is needed.

In response to Co-Chair Hale, Senator Rawlings said a decision will be forthcoming whether to merge the proposed lobbying provisions into BR 25. Representative Roberts said he could support either inclusion in BR 25 or separate legislation.

In response to Representative Herron, Senator Rawlings said the rationale for prescribing a felony penalty was deterrence.

In response to Representative Decker, Senator Rawlings and Representative Roberts agreed that government-related free speech is an issue that warrants discussion. Representative Lockett agreed.

Michael Frazier, Executive Director, Kentucky Student Rights Coalition, testified in support of BR 25 and urged extending its provisions to issues relating to postsecondary education institutions, including preservation of free speech.

Voting Systems

Jeb Cameron, Senior Vice President, Customer & Government Relations, ES&S, and Tucker Omel, Director of Solutions Engineering, ES&S, provided an overview of their company and an equipment display.

Mr. Cameron said ES&S is an American-owned and operated company based in Omaha, Nebraska, that supplies election technology to customers in more than 1,500 US counties, 23 of which are in Kentucky. ES&S equipment used in polling places includes two main components: the ExpressVote Universal Voting System ballot-marking device

and the DS200, a ballot scanner and vote tabulator. ES&S continues to submit updated versions of its hardware and software on a regular basis to the U.S. Election Assistance Commission (EAC) and to user states for testing and approval.

Mr. Omel stated no ExpressVote ballot has ever delivered an erroneous vote. Based on new EAC standards released in June 2024, ES&S is developing VVSG 2.0 and 2.1 systems to eliminate the use of barcodes that contain vote selections. Release of the new system is projected to be available by 2027. Representative Hodgson expressed appreciation that ES&S has responded to the new standards eliminating the use of barcodes.

In response to Representative Roberts, Mr. Cameron said any county that utilizes the ExpressVote Universal Voting device for all voters utilizes a barcode for tabulation purposes. Mr. Omel explained the procedure that allows voters to verify accuracy of their vote.

In response to Senator Rawlings, Mr. Cameron explained how vote totals are tallied and reported at the county and the state level.

In response to Representative Tipton, Mr. Cameron confirmed that no ES&S system, by default, connects to the internet. Some US jurisdictions allow the use of modems that transmit unofficial results from the polling place to the county elections office. None of those configurations are used in Kentucky.

In response to Representative Hodgson and Representative Calloway, Mr. Cameron explained ES&S machines have safeguards ensuring they do not have modems, cannot transmit to the internet, and have not been tampered with. Mr. Omel said ES&S has internal protections to ensure none of their equipment supports the use of modems.

In response to Senator Tichenor, Mr. Cameron discussed factors responsible for delays in the reporting of election results.

In response to Representative Lockett, Mr. Omel explained the ballot printing and electronic poll book systems and how they would be affected by power outage. In response to Chair Johnson, he confirmed that poll books have no connection with the voting machines.

Bob Heisner, Director of Sales, Hart; Bobby Gantley, President, Harp Enterprises, Harp; and Ross Roberson, Vice President of Sales, Harp, provided an overview of the two companies and a display of their election equipment.

Mr. Heisner said Hart, headquartered in Austin, Texas, has 830 customers across the US. Its Verity Voting System is designed and manufactured in Austin, Texas and sold and serviced in Kentucky. He discussed the company's staffing, security of Verity devices and software, and features of the Verity election ballot. Hart manufactures the equipment used by Harp.

Mr. Gantley said Harp, located in Lexington, Kentucky, has served the Commonwealth for more than 54 years. It is the official equipment re-seller for Hart, its Kentucky partner for 23 years. At the local level, Harp performs every aspect of the election process. He discussed all aspects of the services provided by Harp, including proofing, database and audio file production, voting machine setting, and election day support. Ballots are printed at the Lexington facility. Harp teams perform voting machine setting and testing and provide precinct election officer training in each county served by Harp.

In response to Chair Johnson, Mr. Gantley explained the process for handling accidental overvotes on a ballot.

In response to Representative Calloway and Senator Rawlings, Mr. Heisner said there is no internet connectivity to any of the devices, machines, or workstations within the Verity ecosystem. The devices themselves have no internet capability.

In response to Chair Johnson, Mr. Heisner said source code is an intellectual property. If manufacturers were required to provide it to the public, that would render election equipment and the entire election process vulnerable.

Chair Johnson emphasized to the committee the importance of maintaining security in elections.

Adjournment

There being no further business, the meeting was adjourned at 4:47 p.m.