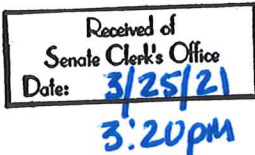




COMMONWEALTH OF KENTUCKY  
OFFICE OF THE GOVERNOR

Andy Beshear  
GOVERNOR

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**VETO MESSAGE FROM THE**  
**GOVERNOR OF THE COMMONWEALTH OF KENTUCKY**  
**REGARDING SENATE BILL 63 OF THE**  
**2021 REGULAR SESSION**

*I, Andy Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under section 88 of the Kentucky Constitution, do hereby veto the following:*

Senate Bill 63 of the 2021 Regular Session of the General Assembly in its entirety.

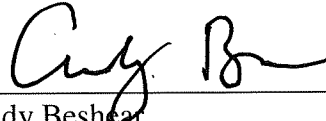
*I am vetoing Senate Bill 63 at the request of the State Board of Elections, the Kentucky Association of County Clerks, and the Secretary of State, because it will have the unintended effect of prohibiting the use of voting systems currently in use and may infringe the rights of voters with disabilities.*

*Senate Bill 63 was written with the good intention of ensuring the security of Kentucky's elections by making sure that no voting systems connect to the Internet and thus become vulnerable to cyberattacks. In attempting to do this, Senate Bill 63 prohibits the use of election systems that are capable of "establishing a connection to an external network." However, all voting systems built and certified by the U.S. Elections Assistance Commission and the State Board of Elections have external ports so that the systems can be programmed and votes can be retrieved. These ports may create the capacity to connect to an external network, even though all ports are locked and sealed while the voting systems are in use. In its current form, Senate Bill 63 might invalidate every voting system currently in use in Kentucky, despite the fact that even with these ports, none of them are capable of connecting to the Internet. Legislation that prohibits connecting election systems to the internet or other external networks can accomplish the same goal without requiring the invalidation of every voting system currently used in the Commonwealth.*

*Senate Bill 63 also requires all voters to cast their ballots on paper, marked in pen, unless otherwise provided by law. Voters with certain disabilities must use ballot marking devices, rather than pen. Currently, when a voter with a disability uses a ballot marking device, poll workers are directed to send other voters to use that device, ensuring the secrecy of the ballot cast by the voter with a disability. Under Senate Bill 63, the only voters who will use those devices will be voters with disabilities, creating a real risk that their votes will not be secret. Legislation requiring the creation and retention of paper ballots, but not requiring that all voters*

*vote using a pen, would accomplish the goal of ensuring paper ballots for tabulation and audit trails without infringing the rights of voters with disabilities.*

This the 25<sup>th</sup> day of March, 2021.

A handwritten signature in black ink, appearing to read "Andy Beshear", written over a horizontal line.

Andy Beshear  
Governor