Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 1046
Bill #: HB 638 HCS
Document ID #:
Bill Subject/Title: AN ACT relating to elections.
Sponsor: Representative Nancy Jo Tate
Unit of Government: City x County urban-County Unified Local
<u>x</u> Charter County <u>x</u> Consolidated Local <u>x</u> Government
Office(s) Impacted: County clerks
Requirement: x Mandatory Optional
Effect on Powers & Duties:x _ Modifies Existingx _ Adds Newx _ Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 638 HCS is **an omnibus paper ballots bill** that, among other provisions, replaces statutory references to voting "**machines**". For example, with language such as voting "ballots", voting "systems", voting "equipment". The term "performed on a voting machine" is replaced with "conducted in the county clerk's office". "Voting machine" is replaced with "voting booth or ballot completion area". HB 638 HCS requires that all voting "systems" and "equipment" must produce a voter verified paper audit trail.

This omnibus legislation creates a comprehensive system in support of a paper ballot voting and election system, along with other structural and procedural election and balloting reforms. It provides for comprehensive requirements of county clerks in support of a paper ballot system. For example, each county clerk is required to have printed a sufficient number of paper ballots to be used for voting on any primary or election day. The Act provides for county clerks and election officials' duties and requirements regarding voter privacy, security, proper functioning of a paper ballot voting system, and accuracy and

recording of a statewide paper ballot election system, in conformity with certifications and regulations promulgated by the State Board of Elections.

Section 10 specifically states that the legislative body of any county, urban-county, charter county, consolidated local, or unified local government shall purchase or lease, from available funds or from the proceeds of bonds which may be issued for that purpose, voting systems (changed from machines) for use in primaries, regular elections, and special elections.

Section 12 amends KRS 117.125 to explain the specifications that a voting system must adhere to. The voting system must specifically "provide each voter an opportunity to verify votes recorded on the permanent paper ballot, either visually or using assistive voting technology, by producing a voter-verified paper audit trail; to change votes or correct any error before the voter's ballot is cast and counted; and to provide a voter who spoils his or her ballot another ballot as provided under this chapter."

The fiscal impact on County clerk offices and county budgets will be significant. WLEX-18 news out of Lexington recently reported the Fayette County Clerk had purchased 175 *paper ballot machines* at a cost of \$5,000 per machine.

One county clerk records that the added costs of HB 638 HCS at the county level would be essentially impossible to attain, as a majority of the counties would need new equipment immediately to comply. Funding from the Help America Vote Act (HAVA) may not be enough to purchase new machines and additional funding would need to be secured.

Part III: Differences to Local Government Mandate Statement from Prior Versions

HB 638 HCS does not change the fiscal impact of HB 638. HB 638 HCS retains all provisions of HB 638 but removes language regarding the size of ballots.

Data Source(s): Kentucky Association of County Clerks; Kentucky Association of Counties; Kentucky Magistrates Association; Franklin County Clerk

Preparer: H. Marks Reviewer: KHC Date: 3/20/20