



Section 10 would require the legislative body of any county, urban-county, charter county, consolidated local, or unified local government “to 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 primary, regular, and special elections. The voting systems must conform to the requirements of Section 12.

Section 12 would specify the requirements for a voting system. The voting system must, among other things, allow:

- “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”;
- “an opportunity to change votes or correct any error before the voter’s ballot is cast and counted”;
- “provide a voter who spoils his or her ballot another ballot”;
- “use an individual, discrete, permanent, paper ballot cast by the voter for tabulating purposes”;
- “preserve the paper ballot as an official record available for use in any audit or recount”;
- “be suitably designed for the purpose used, constructed of a durable material, and safely transportable”;
- “permit a voter to readily learn the method of operating it, to expeditiously cast a vote for all candidates and on all questions of the voter's choice, and when operated properly, register and record correctly and accurately every vote cast”;
- “produce a real-time audit log record for the voting system, and produce a paper record with a manual audit capacity which shall be available as an official record for any recount conducted related to any primary or election in which the system is used”;
- “be accessible for individuals with impairments, including nonvisual accessibility for the blind or visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters”;
- “meet or exceed the standards for a voting system established by the Federal Election Commission, as amended from time to time, or the Election Assistance Commission, as amended from time to time, under Section 31 of this Act”; and
- “meet such other requirements as may be established by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A to reflect changes in technology to ensure the integrity and security of voting systems.”

Section 12’s provisions relate to voting systems “approved for use on or after the effective date of this Act by the State Board of Elections, either upon initial examination or reexamination.”

The bill would require each county clerk to print (or have printed) enough paper ballots for use in a primary or regular election.

Section 23 delineates the persons who may assist another person to vote.

*HB 425 HCS 1, Section 36, would allow county clerks to continue to use existing voting equipment that has been previously certified by the State Board of Elections until a replacement voting system has been certified and placed in operation.*

Section 64 would amend KRS 119.205, relating to crimes involving paying people and paying people to transport others to vote, to clarify who must report payments for transporting voters to the Registry of Election Finance. A candidate and candidate's campaign committee would not be permitted to make payments. Section 64 would prohibit a candidate or candidate's campaign committee from paying any person for the purpose of transporting voters to the polls on the day of a primary, regular, or special election. A knowing violation would be a Class B misdemeanor. Reimbursing actual expenses would not be prohibited.

**The immediate fiscal impact of HB 425 HCS 1 on counties is minimal. Without additional state or federal funding, the future fiscal impact of HB 425 HCS 1 on those counties that must upgrade or purchase new voting systems is significant.**

*Training of County Clerk Offices and Staff*

There would be some cost associated with training county clerks and their staff as to the new voting requirements.

*Voting machines and systems*

There would be an initial minimal cost to county clerk offices to learn new voting procedures and train their staff.

Because the bill does not require *current* voting machines or systems to comply with the various requirements, there would be no mandated fiscal impact relating to those machines or systems. All election equipment in use as of the bill's effective date could still be used by the county.

As voting systems are replaced, the fiscal impact could be significant. The requirement for paper ballots and for a paper trail could be a significant cost for counties that must upgrade existing equipment or purchase new equipment. It has been estimated that the fiscal impact to the affected counties would be approximately \$20 million to \$25 million.

WLEX-18 News has reported that the Fayette County Clerk purchased 175 paper ballot machines at a cost of \$5,000 per machine.

Funding from the Help America Vote Act (HAVA) may not be sufficient to purchase new machines.

There would be ongoing costs for the printing of paper ballots. It has been estimated that each page to be printed costs approximately 25 cents.

*New Class B misdemeanor*

HB 425 HCS 1 makes it a Class B misdemeanor for a candidate or candidate's campaign committee to knowingly pay a person for the purpose of transporting voters to the polls.

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. Misdemeanants are housed in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on an average cost to incarcerate of \$37.35 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$37.35 per day. The average cost to incarcerate a single Class B misdemeanor serving the complete sentence after conviction would range from \$0 to \$3,361.50 (90 days x 37.35). There would also be some training necessary for law enforcement, jailers, and county attorneys.

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

Part II, above, relates to HB 425 HCS 1. **The fiscal impact of HB 425 HCS 1 is the same as HB 425 as introduced.** HB 425 HCS 1 retains the substantive provisions of HB 425, except that HB 425 HCS 1 also:

- delineates who may assist voters when voting;
- expands the definition of voting system to include electronic pollbooks and voter check-in systems; and
- amends reporting provisions (for paying people to transport others to vote) and creates a new crime related prohibiting candidates and candidate campaign committees from paying persons for the purpose of transporting people to the polls.

**Data Source(s):** LRC staff; Fayette County Clerk; State Board of Elections; WLEX; Kentucky County Clerks' Association; Department of Corrections

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