



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 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 each voter an opportunity:

- “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.”

HB 425 would require each county clerk to print (or have printed) enough paper ballots for use in a primary or regular election.

*HB 425, 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.*

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

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.

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

Part II, above, relates to the bill as introduced.

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

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