

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2021 Regular Session**

Part I: Measure Information

Bill Request #: 192

Bill #: SB 63 GA

Document ID #: 5950

Bill Subject/Title: AN ACT relating to elections.

Sponsor: Senator Jimmy Higdon

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
Government

Office(s) Impacted: County clerk offices; county boards of election

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

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

SB 63 GA would move the appointment of members of a county board of elections to the year after a presidential election, beginning in 2027. It would reduce the required submission of names from the county executive committee for each political party for a vacancy on the county board of elections from five names to one name. The name would continue to be submitted to the state board of elections.

The bill would also prohibit a voting machine or voting system from being capable of:

- Establishing a wireless connection;
- Establishing a connection to an external network;
- Connecting to any device that is capable of establishing a connection to an external network, including any over-the-air interface; and
- Establishing any hardware or software connection between any component of the voting machine, voting equipment, or voting system during voting.

The machine or system would also be required to produce a paper record (with a manual audit capacity) that would serve as an official record of votes cast. The State Board of Elections would be required to certify the voting machines and voting systems.

Any voting machine and voting system currently in use that does not meet the requirements could continue to be used until a replacement voting machine or system has been certified and placed in operation.

SB 63 GA would have a minimal fiscal impact on local governments. Because the bill permits existing voting machines and systems to be used until a replacement voting machine or system has been certified and placed in operation, there could be a limited immediate fiscal impact.

However, replacing a voting machine could be problematic. Under the bill, a single voting machine that malfunctioned must be replaced with one that meets the bill's criteria. Generally speaking, it is not possible to replace a voting machine with a different type of voting machine that could be part of an existing unified system. This would require a county to replace an entire voting system rather than a single malfunctioning voting machine.

The cost to counties of replacing voting machines and voting systems that meet the criteria of SB 63 GA could be significant.

The State Board of Elections is not aware of a vendor that sells voting equipment that would meet the bill's criteria for neither wireless nor physical port access.

The cost associated with designing such a computer system and purchasing it could be excessive. Funding from the Help America Vote Act (HAVA) would not be sufficient to purchase such new machines.

There would be a minimal cost to county clerk offices related to training of the new requirements for a voting machine or voting system and related to the new procedures for appointment of members to a county board of elections.

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

Part II, above, relates to SB 63 GA, which is identical to SB 63 SCS 1. There was no local government mandate statement for the introduced version of SB 63.

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

Preparer: Robert Jenkins **Reviewer:** KHC **Date:** 3/4/21