

**Local Government Mandate Statement**  
**Kentucky Legislative Research Commission**  
**2022 Regular Session**

**Part I: Measure Information**

**Bill Request #:** 1636

**Bill #:** SB 216 HCS 1

**Document ID #:** 8279

**Bill Subject/Title:** AN ACT relating to elections.

**Sponsor:** Senator Robby Mills

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

Office(s) Impacted: County Clerks; Fiscal courts

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 216 HCS 1** includes local mandates within **Sections 1-5; 9-10; and 12.**

Under current law (KRS 15.243), the Attorney General is required to begin an independent inquiry for any potential irregularities that may have occurred in each election in not fewer than 5% of Kentucky's counties. **Section 1 of SB 216 HCS 1** amends this statute to increase the 5% to 12 counties, which is 10%.

Under current law (KRS 116.025), a voter can provide a social security card, a county or state issued identification card, any identification card with the voter's photograph and name of the voter, food stamp identification card, electronic benefit transfer cards, SNAP benefits card, or a credit or debit card with the name of the voter. **Section 2 of SB 216 HCS 1** amends the statute to remove the allowance of a credit or debit card as a form of identification to cast a ballot.

Under current law (KRS 117.125), no voting system shall be approved for use after June 29, 2021, unless the system has been certified under KRS 117.379 with the exception of voting equipment that was certified and in use before June 29, 2021. **Section 3 of SB 216 HCS 1** amends the statute to eliminate the exception for voting systems and equipment previously certified and in use and extends the date from June 29, 2021 to January 1, 2024. In addition, a provision is added to the statute forbidding voting equipment that tabulates or aggregates votes used in official results from connecting to any network, including the internet, or communicating with any device external to the voting system.

KRS 117.135 provides voting system custodial requirements for county clerks upon receipt of the equipment. The law currently requires the equipment to remain in custody of the county clerk at all times except when in use at an election or in custody of a court or court officer. **Section 4 of SB 216 HCS 1** amends the statute to include in-person absentee voting as an exception to these custodial requirements.

Under current law (KRS 117.295), voting equipment shall remain locked against voting, and the ballot boxes containing all paper ballots shall remain locked with a few exceptions for a period of 10 days following any election. **Section 5 of SB 216 HCS 1** amends the statute to extend the duration of this requirement to 30 days and requires the voting equipment and ballot boxes to be under video surveillance.

**Section 9** amends KRS 118.205 to require the Secretary of State and each county clerk to display certain information related to a candidate of a primary election on their website.

**Section 10** amends KRS 118.327 to require the Secretary of State and each county clerk to display certain information related to a candidate to be chosen by convention on their website.

**Section 12** creates a new section in KRS Chapter 118 to require the Secretary of State and each county clerk to display certain information related to a candidate on the ballot for any regular election on their website.

**The fiscal impact of SB 216 HCS 1 is indeterminate but could be substantial** due to the recertification of existing machines and the potential for **Section 3** to require the purchase or lease of new voting systems as required by KRS 117.105. Data reflecting the percentage of current voting machines in compliance with KRS 117.379 is unavailable. The most recent cost estimates suggest a cost of \$6,250 per machine. Many precincts have multiple voting machines. Counties may purchase or lease voting machines utilizing available funds, the sale of bonds, or receipt of grant money. In addition, county clerks offices may need to procure video surveillance equipment to comply with the video surveillance requirement under **Section 5**. The provisions in **Sections 9, 10, and 12** may incur additional costs due to additional hours worked by administrative and information technology personnel.

The Kentucky County Clerks Association was contacted for input. As of the submission of this Local Mandate Statement, a response has not been received. When a response is received, the statement may be updated accordingly.

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

Part II, above, pertains to **SB 216 HCS 1**. In respect to a local mandate, **HCS 1** amends the GA version of the bill by adding amendments to KRS 118.205, KRS 118.327, and KRS Chapter 118. These amendments would require each county clerk to display, on their respective websites, information related to candidates in a primary election, candidates to be chosen by convention, and candidates on the ballot for a regular election. **The fiscal impact of SB 216 HCS 1 remains indeterminate with potential to be substantial. SB 216 HCS 1 creates an additional negative impact that is expected to be minimal as the new provisions could incur additional costs for administrative and information technology personnel in the offices of the county clerks.**

**Data Source(s):** LRC Staff; Franklin County Clerk

**Preparer:** K. Sallee **Reviewer:** KHC **Date:** 3/21/22