



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.

Under current law (KRS 117.135), voting system custodial requirements are provided 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** 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** 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 6** amends KRS 121.180 to permit a candidate and a candidate authorized campaign committee to file annual campaign finance reports unless the candidate is seeking a statewide office or a candidate authorized campaign committee for state-wide office.

**Section 7** amends KRS 117.015 to include the Secretary of State as chair of the State Board of Elections, and removes the ability of the executive director of the State Board of Elections to cast a vote.

**The fiscal impact of SB 216 SCS 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 provided suggest a cost of \$6,250 per machine, where 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 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 the bill as amended by **SCS 1**. The local government fiscal impact for SCS 1 remains unchanged from the original statement.

**SCS 1** modifies **Section 3** with technical changes that will not have a fiscal impact.

**SCS 1** modifies **SB 216** by adding **Section 6** and **Section 7**. Neither section is expected to have a fiscal impact.

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

**Preparer:** K. Sallee      **Reviewer:** KHC      **Date:** 3/7/22