

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2024 Regular Session**

Part I: Measure Information

Bill Request #: 25

Bill #: HB 53 HCS 1

Document ID #: 5662

Bill Title: AN ACT relating to elections.

Sponsor: Representative John Hodgson

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

Office(s) Impacted: County Clerks

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

HB 53 HCS 1 requires the Secretary of State or their designee to randomly select at least one ballot scanner and one race tabulated on that scanner for a hand-to-eye recount in each of Kentucky's 120 counties. The hand-to-eye recount is to be conducted by each county clerk or their designee.

Specific instructions are provided regarding how to conduct the hand-to-eye recount. Two qualified poll workers of different political parties shall be selected from a list of volunteers to conduct the procedure and would be compensated at the standard rate for local poll workers. A video recording device shall be used for recording the event which may be streamed for public internet viewing.

The two poll workers would be required to tally votes for each candidate. Any ballots that are disputed or unclearly marked would be set aside for the county board of elections or its designee to determine voter intent. Once completed, the tallies would be compared to

verify matching figures. If the tallies do not match the process must be repeated until they do.

The county board of elections or their designee would then compare the signed register tape total from the vote tabulation machine to the tallies. If they do not match, the county board of elections would then open an election investigation including a review of election day irregularity reports. If more discrepancies are found, the county board of elections would be required to broaden their investigation until the reason for the discrepancy is found and resolved. A determination of whether the outcome of the race could have been impacted would be made and any findings would be required to be reported to the Attorney General and Secretary of State.

The county board of elections or their designee would also be required to examine the sign-in records from the precinct or vote center and validate that the ballots cast and recounted were less than or equal to the sign-in records. If there were more cast ballots than the number of voters in the sign-in records, the county board of elections would be required to open an election investigation and report the findings to the Attorney General and Secretary of State.

General Fund moneys would be appropriated to the State Board of Elections to reimburse each county clerk up to \$5,000 for expenses incurred in each election in which the county clerk conducts a hand-to eye recount.

The fiscal impact of HB 53 HCS 1 on local governments is expected to be minimal. Hand counting of ballots would require two additional qualified poll workers. The wage paid to poll workers varies by county and how long the recount would take would also vary depending on how many ballots were cast on the selected machine. For example, Jefferson County pays poll workers \$40 to attend a training and \$260 for working election day.

The \$5,000 distributed to each county clerk would likely offset a significant portion of the new costs created by HB 53 HCS 1.

Data Source(s): LRC Staff; Jefferson County Clerk; Kentucky County Clerks Association

Preparer: Jacob Blevins (LG) **Reviewer:** KHC **Date:** 2/28/24