Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

Part I: Measure Information

Bill Request #: 951
Bill #: SB 77
Document ID #: 2483
Bill Title: AN ACT relating to elections.
Sponsor: Senator Adrienne Southworth
Unit of Government: City X County Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: County Clerks
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX Adds New Eliminates Existing

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

SB 77 would amend KRS 117.275 to establish that a voter tally be conducted and to include additional requirements for the certification of election results.

Statute requires that judges of election conduct a voter tally by comparing the number of voters shown by the counter on the voting machine with the number of those shown by the protective or cumulative counter or device. **SB 77** would also require comparison with the number of voters as shown by:

- 1. Ballot stubs:
- 2. Total number of voter signatures collected physically and electronically; and
- 3. Any paper record indicating or representing assignment of a ballot to a voter, if used.

SB 77 would require that, before certifying election results, the county board of elections compare the tallies of voters to the tallies of cast ballots and, if they match, certify the results as the official election result. If they don't match, the county board of elections shall:

- 1. File a report of the discrepancy with the local grand jury; and
- 2. Keep all tally sheets, papers, or notes; and
- 3. Recommend the State Board of Elections certify the election in net result only if the difference in tallied votes exceeds the number of discrepancies within a contest or if the contest is unopposed, or to request resources for further investigation by the board.
- 4. When the tally sheets have been certified the clerk shall announce the results and shall furnish a certified copy of the results, on request, to any candidate or any person present.

SB 77 would have a minimal fiscal impact on county clerks. Judges of elections are poll workers who are already tasked with tallying and comparing vote counts in one way. The new points of comparison may require some additional time; however, this is not expected to be particularly burdensome. The certification requirements pertaining to county boards of elections is also not expected to require a significant amount of additional work.

Data Source(s):Kentucky County Clerks Association; LRC StaffPreparer:Jacob Blevins (LG)Reviewer:KHCDate:1/30/24