

January 24, 2022

The Honorable Emil Bergquist, Chairperson
House Committee on Elections
Statehouse, Room 218-N
Topeka, Kansas 66612

Dear Representative Bergquist:

SUBJECT: Fiscal Note for HB 2486 by Representatives Proctor and Ellis

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2486 is respectfully submitted to your committee.

HB 2486 would prohibit any component of an electronic or electromechanical voting system from having the capability to be connected to the internet or to any other communications or computer network, including, but not limited to, a local area network, wireless network, cellular network, or satellite network, or to use Bluetooth or any other wireless communications technology. Election judges would be required to ensure that no component of the voting system is connected to the internet. Beginning July 1, 2022, any equipment that does not meet this requirement could not be used, and any new equipment purchases must also comply with this requirement.

Beginning July 1, 2022, a board of county commissioners or county election officer would be prohibited from purchasing, leasing, or renting any electronic poll books unless it has been certified by the Kansas Secretary of State. In addition, the network connectivity of an electronic poll book must meet the security standards established by the Secretary of State.

HB 2486 would define electronic poll book as an electronic list of registered voters for a particular precinct or polling location that may be transported to a polling location and on which each voter may sign the voter's signature. The bill would clarify the definition of electronic poll book includes both the hardware and software necessary for operation and is a type of poll book as provided in KSA 25-2507. The bill would also clarify that the definition of electronic poll book does not include the components of an electronic or electromechanical voting system, including a direct recording electronic system.

The bill would authorize any board of county commissioners or county election officer to purchase, lease or rent and provide electronic poll books to be used at voting places, or for advance voting in the county at national, state, county, township, city, and school primary and general

elections and in question submitted elections. The bill clarifies that a board of county commissioners would be authorized to issue bonds to finance and pay for purchase, lease, or rental of electronic poll books. The bill would add electronic poll books to additional provisions of the bill including the crime of electronic or electromechanical voting system fraud.

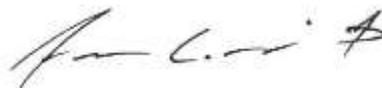
Under current law, the county election officer is required to have the automatic tabulating equipment and optical scanning equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted within five days prior to the date of the election. Public notice of the time and place of the test is currently provided at least 48 hours prior to publication once in a newspaper of general circulation in the county or city where the equipment is to be used. Further, if any error is detected, current law requires the cause to be ascertained and corrected and an errorless count made before the automatic tabulating equipment is approved upon which the test is repeated after the completion of the canvass.

HB 2486 would allow the public notice to also be provided on the county website if the county has a website. The bill would also specify that a repeat test must be completed within five business days after the completion of the canvass. The bill would be effective upon publication in the statute book.

The Office of the Secretary of State estimates any fiscal effect on expenditures from the enactment of HB 2486 would be negligible and could be absorbed within existing resources. Further, it estimates the bill could increase its annual revenues by approximately \$2,000 from the requirement to certify electronic poll books. The Office indicates the requirement for county election officials to continue prohibiting voting equipment from accessing the internet, and training election judges to review voting equipment to ensure there is no internet connectivity would be accomplished with existing resources as counties currently conduct these activities.

The Office indicates local law enforcement and county prosecutors would be responsible for investigating and prosecuting electronic poll book fraud and it is unclear if there would be any fiscal effect for these entities. The Kansas Association of Counties indicates a county's cost to purchase the required equipment could be significant but would depend on the population of the county and how much equipment is needed. Any fiscal effect associated with HB 2486 is not reflected in *The FY 2023 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Sandy Tompkins, Office of the Secretary of State
Jay Hall, Association of Counties