

February 19, 2021

The Honorable Blake Carpenter, Chairperson
House Committee on Elections
Statehouse, Room 149C-S
Topeka, Kansas 66612

Dear Representative Carpenter:

SUBJECT: Fiscal Note for HB 2334 by Representative Toplikar

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2334 is respectfully submitted to your committee.

HB 2334 would amend existing law concerning electronic voting machines and recounts of results generated by such machines. The bill would require recount requests to be made in writing with the Secretary of State no later than 5:00 p.m. on the second Friday following an election. The request would include that media storage devices and voting machines be operated together to generate hard copies of election results on the day of the election. The bill would allow the person requesting the recount to be present during the recount and a copy of the election results generated during the recount must be provided to the person requesting the recount. The recount would be conducted under the supervision of the county election officer at the direction of the Secretary of State and must be initiated no later than the day following the request, including Saturdays, Sundays and holidays. The bill would allow the voting machines to be unsealed and opened by county election officers without first obtaining a court order for an inspection of the machines. The counties would bear the cost of the recount.

In addition, enactment of HB 2334 would require any voting machine vendor to certify in writing that the system cannot be connected to the internet or to any other computer network, including any local area network, or any wireless communications network, including any cellular transmission network. The Secretary of State and the county election officer would inspect the system to verify its compliance with this requirement.

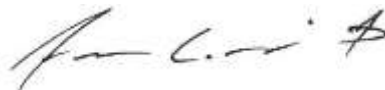
| Estimated State Fiscal Effect | | | | |
|-------------------------------|----------------|----------------------|----------------|----------------------|
| | FY 2021 SGF | FY 2021 All Funds | FY 2022 SGF | FY 2022 All Funds |
| Revenue | -- | -- | -- | -- |
| Expenditure | \$50,000 | \$50,000 | \$100,000 | \$100,000 |
| FTE Pos. | -- | -- | -- | -- |

According to the Secretary of State, enactment of HB 2334 would result in expenditures of approximately \$50,000 in FY 2021 and \$100,000 in FY 2022 and in future years, all from the State General Fund. The bill would require the agency to independently certify that each voting system is in compliance with the provisions of the law requiring voting systems to have no capability to connect to the internet. The Secretary of State's office does not have an employee with this specialized skill set and would be required to contract with an outside specialist who is knowledgeable about the inner workings of voting equipment. The agency estimates this would cost approximately \$25,000 per voting machine certification. Currently, there are two to four voting machine certifications conducted each fiscal year. In addition, the agency would need to update training and education materials for county election officers, candidates, political parties and voters concerning the new recount provisions. These updates could be conducted using existing resources. Any fiscal effect associated with HB 2334 is not reflected in *The FY 2022 Governor's Budget Report*.

The Secretary of State indicates that enactment of the bill would also have a fiscal effect on county election office budgets as recounts could be conducted on Saturdays, Sundays and holidays resulting in weekend or holiday pay. Currently, the person submitting a request for a recount submits a bond to cover the cost of the recount. The bond is returned to the requester if the election outcome is changed. Otherwise, the bond pays for the cost of the recount. HB 2334 would require county election offices to pay for the cost of the recount and that cost would depend on a number of factors including the number of ballots to be counted, the method of counting ballots and the number of board workers needed to count the ballots. Previous recount estimates have ranged from a few hundred dollars to over \$10,000, depending on these factors.

The Kansas Association of Counties indicates that enactment of HB 2334 would likely have a fiscal effect on counties as they would bear the cost of a recount, even if the recount is in an election that is not particularly close. This could trigger numerous candidates requesting recounts, even in elections in which the final result would not change. The Association is unable, however, to estimate what the fiscal effect might be.

Sincerely,



Adam Proffitt
Director of the Budget

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