

117.379 Examination of voting system by State Board of Elections.

- (1) Any person or corporation owning, manufacturing, or selling any voting system, may request the State Board of Elections to examine the voting system. Before requesting an examination or reexamination, any person, persons, or corporation shall pay to the State Treasurer a nonrefundable deposit of five hundred dollars (\$500) and submit a test report from an independent testing authority approved by the State Board of Elections. The report shall demonstrate that the voting system meets all Election Assistance Commission voting system standards. Notwithstanding any other provision of law to the contrary, if these voting system standards have been amended less than thirty-six (36) months prior to the request for examination under this subsection, the State Board of Elections may approve and certify a voting system that meets the prior standards after determining:
 - (a) The effect that such approval would have on the integrity and security of elections; and
 - (b) The procedure and cost involved to bring the voting system into compliance with the amended standards.

The State Board of Elections may, at any time, reexamine any voting system already approved. The State Board of Elections shall approve or disapprove any voting system within sixty (60) days after the date of its initial submission. Any or all costs associated with the voting system being examined or reexamined shall be paid to the State Treasurer by the person or corporation once the approval or disapproval of the voting machine is complete.

- (2) Upon receipt of a request for examination or reexamination of a voting system, the State Board of Elections shall require that such voting system be examined or reexamined by three (3) examiners. The State Board of Elections shall appoint one (1) examiner who is an expert in computer science or voting systems; one (1) person who is knowledgeable in election procedures, election security, and election law in Kentucky; and one (1) person who is a present or former county clerk. The three (3) examiners shall submit one (1) written report on each voting system examined or reexamined to the State Board of Elections. The members of the State Board of Elections shall also examine or reexamine the voting system. A voting system shall be approved and certified if the examiners' report states that the voting system meets all the requirements of KRS 117.125 and applicable federal law, and the State Board of Elections finds that the voting system meets all of the requirements of KRS 117.125 and applicable federal law. The report and a letter of approval shall be filed in the office of the State Board of Elections.
- (3) Any voting system not approved by the State Board of Elections shall not be used at any primary or election.
- (4) When a voting system has been approved, any improvement or changes in the voting system shall render necessary the examination or approval of such voting system or improvement.
- (5) Neither the members of the State Board of Elections, nor any examiner appointed by the State Board of Elections, nor any member of a county board of elections shall

have any pecuniary interest in any voting system.

- (6) Each examiner appointed by the State Board of Elections shall receive fair compensation to be established by the State Board of Elections.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 197, sec. 43, effective June 29, 2021. -- Amended 1996 Ky. Acts ch. 195, sec. 11, effective July 15, 1996. -- Created 1982 Ky. Acts ch. 360, sec. 3, effective July 15, 1982.