

117.379 Examination of voting system or e-poll book product by State Board of Elections.

- (1) (a) Any person or corporation owning, manufacturing, or selling any voting system or e-poll book product, may request the State Board of Elections to examine the voting system or e-poll book product. 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.
 - (b) If the report concerns a voting system, the report shall demonstrate that the voting system meets all Election Assistance Commission standards. Notwithstanding any other provision of law to the contrary, if these Election Assistance Commission 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:
 1. The effect that such approval would have on the integrity and security of elections; and
 2. The procedure and cost involved to bring the voting system into compliance with the amended standards.
 - (c) The State Board of Elections may, at any time, reexamine any voting system or e-poll book product already approved. The State Board of Elections shall approve or disapprove any voting system or e-poll book product within sixty (60) days after the date of its initial submission. Any or all costs associated with the voting system or e-poll book product being examined or reexamined shall be paid to the State Treasurer by the person or corporation once the approval or disapproval is complete.
- (2) (a) Upon receipt of a request for examination or reexamination of a voting system or e-poll book product, the State Board of Elections shall require that such voting system or e-poll book product 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, voting systems, or e-poll book products, whichever is applicable; 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 or e-poll book product, 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 or e-poll book product.
 - (b) 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.

- (c) Beginning September 1, 2022, an e-poll book product shall be approved and certified if the examiners' report and the State Board of Elections find that the e-poll book product meets the certification requirements promulgated by the State Board of Elections pursuant to KRS Chapter 13A and applicable federal law.
- (d) Each report and letter of approval pertaining to a voting system or an e-poll book product shall be filed in the office of the State Board of Elections.
- (3) Any voting system or e-poll book product not approved by the State Board of Elections shall not be used at any primary, regular election, or special election.
- (4) When a voting system or e-poll book product has been approved, any improvement or changes in the voting system or e-poll book product 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 or e-poll book product.
- (6) Each examiner appointed by the State Board of Elections shall receive fair compensation to be established by the State Board of Elections.
- (7) An e-poll book product approved under this section shall not be used in any primary, regular election, or special election held before May 11, 2023.

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 172, sec. 3, effective July 14, 2022. -- 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.