Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2015 Regular Session

Part I: Measure Information

| Bill Request #: 1715 | |
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| Bill #: SB 145 | |
| Bill Subject/Title: | AN ACT relating to elections. |
| Sponsor: Senator Ju | lie Raque Adams |
| Unit of Government: | City X County X 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: X | Modifies Existing X Adds New Eliminates Existing |

Part II: Purpose and Mechanics

Currently, per KRS 242.020, if the number of constitutionally qualified voters of a territory signing a petition for a local option election is equal to at least twenty-five percent of the votes cast in the territory at the last general election, then a local option election shall be held in that territory. A territory is defined by KRS 241.010 as a county, city, district, or precinct.

The date of the local option election may be stated in the petition; however, KRS 242.030 prohibits local option elections on the same day as a primary or general election.

While KRS 242.030 stipulates that no local option election shall be held in the same territory more than once every three years; a territory could be limited to one precinct, resulting at times in several local option elections in a county during the course of a year. KRS 242.060 obligates the county to pay for the costs of local option elections. The state reimbursement of \$199 per precinct is distributed for primary and general elections rather than local option elections.

SB 145 requires, if the date of the local option election is not stated in the petition, that the local option election be held on the same day as a primary or general election and

provides associated timelines. If the date of the local option election is stated in the petition as a day other than the day a primary or general election is held, then the petitioners, rather than the county, must pay the election costs.

In addition, SB 145 directs the petitioners to file the intent to circulate the petition with the county clerk before signatures are collected and, if the date of the local option election is stated in the petition as a day other than the day a primary or general election is held, post bond for payment of election costs with the Circuit Court within five days of filing the petition. SB 145 also clarifies that the name of the voter shall be legibly printed along with the signature on the petition and that the year of birth rather than the date of birth shall be listed on the petition.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

With the average cost to counties conducting an election of \$2,000 per precinct; the savings to counties could range from minimal to significant, depending upon the composition of the territory (could range from one precinct to the entire county) and the number of territories within a county requesting local option elections per annum.

As counties currently pay for the costs of primary and general elections (apart from the state reimbursement of \$398 per precinct, \$199 each for primary and general elections), it is immaterial as to whether the petitioners pay for requesting a local option election on a day other than a primary or general election day or whether the local option election is added to the ballot of a primary or general election.

While counties would incur additional programming costs due to adding a new category to the ballot for a primary or general election that would not be incurred if the petitioners are covering the costs for a different day, the amounts are minimal. According to Harp Enterprises, a vendor that provides electronic voting machines to 97 Kentucky counties, the costs would range from \$14 per precinct for larger counties such as Fayette with 291 precincts to \$45 per precinct for counties such as Franklin with 44 precincts.

Data Source(s): LRC Staff, Kentucky County Clerk's Association, Harp Enterprises

Preparer: Katherine L. Halloran **Reviewer:** MCY **Date:** 2/12/15