

**Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2016 Regular Session**

Part I: Measure Information

Bill Request #: 1074

Bill #: HB 207

Bill Subject/Title: AN ACT relating to elections.

Sponsor: Representative Kenny Imes

Unit of Government: X City X County X Urban-County
 X Charter County X Consolidated Local X Unified Local
 Government

Office(s) Impacted: County Clerks

Requirement: X Mandatory ___ Optional

Effect on
Powers & Duties: X Modifies Existing X Adds New X 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. HB 207 changes the requirement for using the last general election as the basis for this calculation to using the last **regular** election.

HB 207 further expands the petition requirements to include that the name of the voter be legibly printed along with the signature and must include the year, not the date, of birth.

HB 207 **removes language** that forbids local option elections from being held on the same day that primary or regular elections are held in a territory, or any part therein. HB 207 further **removes language** that forbids a local option elections in any territory less than a county from being held on the same day on which an election for the entire county is held.

Conversely, HB 207 adds language that requires the local option election be held on the same day as the next primary or general election to be held in a territory if the date of the local option election is not stated in the petition.

HB 207 does not affect KRS 242.060 in any way. Therefore the cost of the election shall continue to be borne by the county regardless if held on the same day or not on the same day as a primary or regular election.

HB 207 provides that in order for the local option election to be held on the day fixed by law for holding a primary, the petition shall be filed not earlier than the first Wednesday after the first Monday in November of the year preceding the day on which the primary is to be held and not later than the last Tuesday in January preceding the day fixed by law for holding the primary.

HB 207 provides that in order for the local option election to be held on the day fixed by law for a regular election, the petition shall be filed not later than the second Tuesday in August preceding the day fixed by law for holding the regular election.

HB 207 requires that within five days after the county judge/executive orders that the local option question be placed on the ballot for the primary or general election, that the county clerk provide the sheriff a certified copy of the order so that he may publish it pursuant to KRS Chapter 424 – Legal Notices.

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: Wendell F. Butler **Reviewer:** JWN **Date:** 1/25/16