

HB 290 removes the situational requirements necessary for in-person absentee voting. **Any qualified voter who chooses to vote in-person absentee may do so** at the time and location detailed in the bill.

HB 290 provides that all mail-in absentee ballots meet the same requirements as currently provided in statute regarding voting by mail with the following additions:

HB 290 expands the qualifying requirements for a mail-in absentee ballot to include an expanded statement of the reason the person cannot vote in person on Election Day to include why the person cannot vote in person during the dates and times provided for in-person absentee voting.

HB 290 expands the time provisions regarding cancelling a mail-in absentee ballot from seven days before the date of the election to include the time frame during which in-person absentee voting is being conducted. Once the ballot is returned to the clerk, the person may then vote on Election Day or during the in-person absentee voting period.

HB 290 changes the deadline from fifteen days to forty-five days before any special election that the county clerk shall have ballot labels printed and ready for use for each candidate.

HB 290 requires the county clerk to equip the in-person absentee voting machine with the necessary supplies including attaching a pencil or pen to the machine for the purpose of write-in votes, at least five days prior to the in-person absentee voting period.

HB 290 expands the requirements relative to time off from work to include time needed to appear before the clerk to request an application for or to execute a mail-in absentee ballot or to cast his ballot during the in-person absentee voting period.

The Secretary Of State sees HB 290 as a means of expanding voting before Election Day in order to combat low voter turnout. The last statewide election had a 30% turnout. The bipartisan Presidential Commission on Election Administration endorsed the concept in 2014.

The Kentucky County Clerks Association has two main concerns. First, the cost involved as detailed in the Fiscal Explanation below. Secondly is their interpretation of Section 147 of the Kentucky Constitution which states “... *any person absent from the county of his legal residence, or from the state, may be permitted to vote in a manner provided by law.*” The association has concerns that HB 290 conflicts with the Constitution by allowing people to vote absentee by choice instead of out of necessity resulting from being out of county or state on Election Day.

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

James Lewis, Leslie County Clerk, Past President and Vice-President of the Kentucky County Clerk Association and current Chairman of the Association’s Election Committee and Don Blevins, Fayette County Clerk, provided the following views regarding the impact of HB 290. Both expect the impact to be significant.

Extra machines would have to be purchased. This is necessitated by the need to segregate early voting machines from those machines used on Election Day in order to preserve the history of early voting in case of recounts or investigations.

Duplicate rosters and voter rolls will be needed at each early voting location so that each location can mark voters as having voted during the early voting period and to ensure each precinct can verify this has occurred in order to safeguard against individuals voting again come Election Day.

There is concern among the clerk offices regarding the use of temporary labor for early voting. Concerns range from the trustworthiness of temporaries to whether or not temporaries possess the necessary knowledge. Whereas early voting machines will be located at various locations, a clerk in lieu of hiring temporaries will have to send staff to the location for hands-on control and security, thus removing staff from their regular office responsibilities. If the clerks opts for outside labor to man the locations, then this would be a labor cost above and beyond what they have today. As for the temporary hires, Mr. Lewis and Mr. Blevins agree this would entail a commitment of 20 days around each election. At a minimum, early voting would require 4 election officers per location, the same as Election Day. However, you might have to staff for “crowd control” if fewer locations are used due to the higher volume of people. **(PREPARER’S NOTE: HB 290 does not reference 20 days, we assume this is possibly in reference to any preparation time required.)**

Of further concern to the Kentucky County Clerks Association is the logistics of setting up and managing early voting. The early voting machines must be delivered to the locations and picked back up and stored. The locations must be reimbursed for what amounts to “rent” for the early voting period. The machines themselves must be secured every day during early voting. This will no doubt add expense. It should be noted that some early voting advocates also favor having many locations during the voting period, which exacerbates the cost substantially.

The Secretary of State provided the following views and expects the impact of HB 290 on local governments to be minimal.

In response to the concern regarding duplicate rosters, The Secretary of State provided that duplicate rosters will be provided by the Kentucky State Board of Elections, **at no cost to the county clerks.**

In response to concerns about the logistics and cost related to multiple voting locations, **HB 290 does not mandate a county clerk to establish multiple voting locations.** A county may choose to do so, but otherwise, voting will occur in the county clerks' offices. This also remedies cost concerns regarding hiring people to man the out of office locations since office personnel can man these machines.

In response to concerns regarding in-person absentee voting expanding to 20 days, **KRS 117.085 already requires county clerks to offer in-person absentee voting (with an excuse) a minimum of 12 days before an election.** The Secretary of State said a majority of counties go above and beyond this requirement and include additional days, **including Saturdays.** Furthermore, to the knowledge of the Secretary of State's office, none of the counties that currently open for the 12 or more days for in-person absentee voting are utilizing temporary labor.

The Secretary of State also offered the following:

Early voting or no-excuse in-person voting is currently permitted in 37 states and the District of Columbia, including the neighboring states of Tennessee, Illinois, Ohio, and West Virginia. Many of these states have found their costs have not increased because their work loads are spread out over the additional time and there is time for early identification and correction of any registration/voting systems issues. The National Council of State Legislatures has found that pre-Election Day voting won't increase, and may decrease, the cost of election. Finally, the bipartisan Presidential Commission on Election Administration endorsed the concept in 2014.

Kentucky Clerk's Association provided the following:

Some counties would need to hire at least two precinct workers. Precinct workers historically have been paid the statutory minimum of \$60 to as much as \$200 per day plus a training day for which the precinct workers are paid a statutory minimum of \$10 or more. If the purchase of one or more machines are necessary, the cost per machine is \$3,500 to \$4,500 per machine. Obviously, if the county has a single early voting location within the actual clerk's office, then cost would be minimized. Overall cost would be dependent on the size of the clerk's office, size of the voting population, ability of the office to pay precinct workers, and the need of additional locations besides the clerk's office.

Data Source(s): Don Blevins, Fayette County Clerk's Office,
James Lewis, Leslie County Clerk's Office, Current Vice-President and
Past President of the Kentucky County Clerk Association,
Office of the Secretary of State, LRC Staff

Preparer: Wendell F. Butler **Reviewer:** JWN **Date:** 3/10/16