

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

**Part I: Measure Information**

**Bill Request #:** 1035

**Bill #:** HB 559

**Bill Subject/Title:** AN ACT relating to election districts.

**Sponsor:** Representative James L. Kay

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

Office(s) Impacted: County Clerk

Requirement:  Mandatory  Optional

Effect on Powers & Duties:  Modifies Existing  Adds New  Eliminates Existing

**Part II: Purpose and Mechanics**

HB 559 creates a new section of KRS Chapter 5.

HB 559 creates the Legislative Advisory Reapportionment and Redistricting Commission (herein referred to as the Commission). The duties of the Commission shall include formulating a proposal based on population for the reapportionment and redistricting of Kentucky's 38 state senatorial districts, 100 state representative districts, 7 Supreme Court districts, and congressional districts based on the number of representatives allocated to Kentucky.

The Commission shall consist of one elected member from each of the six congressional districts, one member appointed by the President of the Senate, one member appointed by the Speaker of the House of Representatives, one member appointed by the Minority Leadership in the Senate, one member appointed by the Minority Leadership in the House of Representatives, and the Chief Justice of the Supreme Court (or designee).

Beginning in 2020 and every ten years thereafter, the members from the six congressional districts shall be elected in accordance with KRS Chapter 118A at the regular election. The names with no reference to political affiliation shall be placed on the voting machine

in a separate column or columns or in a separate line or lines and identified by the words “Ballot for Legislative Advisory Reapportionment and Redistricting Commission.” The term of office of the elected members shall begin the first day of January of the year succeeding their election. The President of the Senate and the Speaker of the House shall appoint a new member to fill vacancies that may occur between election cycles from the congressional district in which there is a vacancy.

Appointed members of the Commission shall first be appointed no later than December 1, 2020, and thereafter members shall be appointed decennially no later than December 1 of each decennial year. Any vacancy shall be filled by the appointing authority of each commission member.

Appointed or elected members of the commission shall hold office for a term of four years.

The Commission shall be attached to the Legislative Research Commission (LRC) for administrative and budgetary purposes.

Members of the Commission shall receive a per diem compensation as determined by LRC.

The chair of the Commission shall be elected by the membership of the commission.

The Commission has the authority to:

- Contract for expert services as necessary to carry out its duties;
- With LRC approval, hold public hearings in any town to obtain information relevant to reapportionment and redistricting of the General Assembly. Public hearing for Congressional districts and Supreme Court districts shall be held in the state capital; and
- Hire administrative staff

The Commission must adhere to the KRS relating to public access to spending records (KRS 7.505), open meetings of public agencies (KRS 61.800 to 61.850), and open records (KRS 61.870 to 61.884).

The criteria for creating General Assembly districts shall be:

- Section 33 of the State Constitution;
- To form representative and senatorial districts with minimum percentages of deviation;
- To preserve existing political subdivision lines
- To recognize and maintain patterns geography, social interaction, trade, political ties, and common interest;
- To create compact districts; and
- To consider incumbencies.

The criteria for creating Congressional districts shall be:

- Article 1 of the United States Constitution
- Section 2 of the Voting Rights Act of 1965
- 52 U.S.C. secs. 10301 to 10314 as amended
- To form congressional districts with minimum percentages of deviation to reflect the concept of “one person one vote”;
- To create districts composed of contiguous geography
- To preserve communities of interest where such efforts do not violate other state criteria;
- To use counties as district building blocks where possible, yet recognize some counties may be split in order to achieve population goals;
- To preserve cores of existing districts where such efforts are consistent with and do not violate the other stated criteria; and
- To create compact districts.

The sole criteria for creating Supreme Court districts shall be Section 110 of the Kentucky Constitution.

HB 559 requires that on or before November 1 of the year following the decennial census, the Commission shall prepare a tentative proposal based on population for the reapportionment and redistricting of the 100 House of Representative districts, the 38 Senatorial districts, and the Congressional districts. This proposal shall be presented to the LRC no later than the first Monday in November of the year following the decennial census. The LRC shall refer the proposals to the Interim Joint Committee on State Government for its review and consideration at its November meeting. Following this review and during the next regular or extraordinary session of the General Assembly, the General Assembly shall consider the proposals for enactment into law.

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

Beginning in 2020 and every ten years thereafter, the members from the six congressional districts shall be elected in accordance with KRS Chapter 118A at the regular election. The names with no reference to political affiliation shall be placed on the voting machine in a separate column or columns or in a separate line or lines and identified by the words “Ballot for Legislative Advisory Reapportionment and Redistricting Commission.”

According to Harp Enterprises, a vendor that provides electronic voting machines to 97 Kentucky counties, there are additional programming costs associated with adding a new category to the ballot on an already scheduled statewide election. For example, the cost to add a new category to the ballot for Lexington-Fayette Urban County Government, with 291 precincts, is estimated to be between \$3,000 and \$4,000, and for Franklin County, with 44 precincts, the cost is estimated to be between \$1,250 and \$2,000.

**Data Source(s):** LRC Staff, Harp Enterprises

**Preparer:** Wendell F. Butler      **Reviewer:** JWN      **Date:** 3/4/16

