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

#### **Part I: Measure Information**

Bill Request #: 841	
Bill #: SB 299 GA	
Bill Subject/Title:	AN ACT proposing an amendment to Section 145 of the Constitution of Kentucky relating to persons entitled to vote.
Sponsor: Senator Robert Stivers, II	
Unit of Government:	City X County X Urban-County Unified Local X Consolidated Local X Government
Office(s) Impacted:	county clerk
Requirement: X	Mandatory Optional
Effect on Powers & Duties:	Modifies Existing Adds New Eliminates Existing

### **Part II: Purpose and Mechanics**

The purpose of SB 299 is to put to a vote of the citizens of the Commonwealth the question whether persons convicted of certain felonies to be identified by the General Assembly should have their voting rights restored. Currently, Section 145 of the Kentucky Constitution denies the right to vote to persons who are incarcerated, to idiots and insane persons, to persons convicted of treason or of bribery in an election, as well as to persons convicted of **any** felony.

Section 1 of SB 299 would amend Section 145 of the Constitution to allow the General Assembly to declare that persons convicted of certain felonies are eligible to have their voting rights restored, except that the General Assembly would not be authorized to declare eligible persons who have been convicted of treason, bribery in an election, sex offenses, violent offenses, or offenses committed against a child. Those offenders, as well as persons who are incarcerated, idiots, and insane persons would continue to be banned from voting unless restored to their voting rights by executive pardon. Persons convicted of felony offenses not deemed eligible by the General Assembly for restoration of rights, and those who have previously had their rights restored other than by executive pardon and are subsequently convicted of another felony, would not be eligible unless

restored to voting rights by executive pardon. Section 2 of the bill would require the following question be submitted to the voters:

"Excluding persons committing treason, bribery involving elections, a sex offense, a violent offense, or an offense against a child, are you in favor of granting the General Assembly the authority to establish standards for giving persons convicted of certain felonies the right to vote?"

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

#### SB 299 would have minimal fiscal impact on county clerks.

According to 2010 data there are approximately 180,984 convicted felons in Kentucky who have served their sentences but are without voting rights. It is not known how many of these individuals would be eligible for restoration of voting rights under SB 299 or would register to vote, if voters ratify the proposed constitutional amendment.

Under current law county clerks are responsible for certifying eligibility of persons to vote. SB 299 is not expected to increase the work load or expenses of local county clerks' offices beyond a minimal amount.

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 288 precincts, is estimated between \$3,000 and \$4,000, and for Franklin County, with 44 precincts, the cost is estimated between \$1,250 and \$2,000.

Data Source(s): LRC Staff, Harp Enterprises, Inc., The Sentencing Project's "State-Level Estimates of Felon Disenfranchisement in the United States, 2010", Office of the Jefferson County Clerk

Preparer: Mary Stephens Reviewer: JWN Date: 3/9/16