

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2018 Regular Session**

Part I: Measure Information

Bill Request #: 1298

Bill #: HB 304

Document ID #: 3462

Bill Subject/Title: AN ACT relating to elections.

Sponsor: Representatives Jason M. Nemes

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

Office(s) Impacted: County Clerks

Requirement: Mandatory Optional

Effect on

Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 304 has the following provisions that would affect local governments:

Currently, a sheriff unable to serve on the county board of elections due to being a candidate or being incapacitated, may appoint a temporary replacement. HB 304 allows the sheriff the option of appointing a deputy sheriff as a replacement.

Expands the list of local governments in which a member of a board of elections may hold office in to include (in addition to city office), urban-county, charter county, consolidated local government, and unified local government.

Increases from 7 to 14 days prior to the date of an election, the time frame that a qualified voter must return a completed application for a mail-in absentee ballot to the county clerks' office. The methods by which a voter may request an application for a mail-in absentee ballot, a county clerk may use for transmitting an application to a voter, and a voter may return the completed request for application are standardized to include facsimile machines

and electronic filing, along with regular mail and in person. The request for an application can also be done by phone.

A voter who has applied for a mail-in absentee ballot but has yet to receive it, may appear at the county clerk's office on election day to be removed from the list of persons who were sent a mail-in absentee ballot and be allowed to vote in the precinct in which he or she is registered. The voter may also appear at the county clerk's office during in-person absentee voting days and be allowed to vote by in-person absentee ballot.

Increases from 15 to 45 days before any special election that the county clerk must cause ballot labels for each candidate and/or question to be voted on to be printed and ready for use.

Increases from 28 days to 49 days the minimal time for which a write-in candidate must file his or her intent to be a write-in candidate **in a special election**. This brings the filing deadline for write-in candidates in conformity with the filing deadline for party and independent candidates.

The fiscal impact of HB 304 on county clerk's offices would be minimal.

The Kentucky County Clerk's Association expects the fiscal impact of HB 304 on county governments to be minimal. Conversely, the Association opposes the return of completed absentee ballots back to the office by fax or email. The issue being the lack of an original signature to compare against the voter registration record, or in general, possibly no signature at all. The Association's position on cancelling the absentee ballot on election day has not yet been established as of the date of this mandate statement.

The Secretary of State (SOS) expects the fiscal impact to be a cost savings to county governments and county clerks. By including facsimile machines and electronic filing as a means for requesting, transmitting, and returning mail-in absentee ballot applications, the SOS expects a postage savings for county clerks and voters.

For a General Assembly special election where there is only one candidate to be voted upon, the election may be held in the county clerk's office instead of the individual precincts of that county, the SOS expects this to result in a county savings of \$1,800 to \$2,000 per precinct and a savings of \$255 per precinct for the State Board of Elections.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II pertains to the bill as introduced. No prior versions of the bill have been introduced necessitating Part III to be completed at this time.

Data Source(s): LRC Staff, Kentucky County Clerks' Association, Secretary of State

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 2/9/18