Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

| Bill Request #: 1779 |
|---|
| Bill #: HB 433 |
| Document ID #: _4219 |
| Bill Subject/Title: AN ACT realting to elections and making an apprpriation therefor. |
| Sponsor: Representative Maria Sorolis |
| Unit of Government: City X County X Urban-County Unified Local |
| X Charter County X Consolidated Local X Government |
| Office(s) Impacted: County Clerk |
| Requirement: X Mandatory Optional |
| Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates Existing |

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

HB 433 provides that in any regular election or special election for any member of the General Assembly or a constitutional officer, a recount will required when the margin of defeat is 0.5%. The recount shall be held no later than the Tuesday following the election. The State Board of Election shall determine if a recount is needed. The voting machines, ballots, boxes, and all papers pertaining to the election shall be maintained with the county board of elections. The machines and boxes shall remain locked and the keys remain with the county board of elections until the recount.

The county board of elections will conduct the recount which shall be paid by the Commonwealth of Kentucky. Each political party represented on the country board of elections may appoint a representative to be present, and each candidate or the candidate's representative may be present for observation only as well as board-authorized news media representatives. The recount shall take place after the integrity of the ballots have been confirmed and after votes are counted, the recount shall be certified to the Secretary of State by 4 p.m. on the day following the completion of the recount (Sunday excluded). The

recount may be cancelled if the defeated candidate(s) submits in writing their wish to waive the recount to the Secretary of State with 24 hours of certification of the votes. Additionally, the time to file a contest petition shall be suspended until the vote is certified.

Commonwealth-initiated recounts shall not change existing law pertaining to candidate-initiated recounts or the appeals process available to the candidate.

The fiscal impact of HB 433 on local governments is indeterminable. The automatic recount triggered by a vote margin of not more than half of one percent would be conducted by the County Board of Elections, not the Circuit Court. The Kentucky Association of County Clerks are in favor of the recount being done by the Circuit Clerk since that is a remedy for the candidate if they feel that the County Board of Elections didn't do a good job.

The Association has the following concern: It is unclear who determines the cost of the recount and doesn't say who would be paid for this recount. This would mean use of county clerk staff and/or county board of election members, so all costs would be based on wage and hour issues but mainly a loss of productive hours of the election staff.

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

Part II refers to HB 433 as introduced. There are no prior version of this bill.

Data Source(s): LRC Staff, Kentucky County Clerk's Association

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 3/4/19