

electronic petition signatures. If the petition committee is not willing to incur all of the expenses, then electronic petition signatures shall not be allowed for the petition.

- All petition papers shall be *substantially* the same size and style.
- For urban-county and consolidated governments, each sheet of the petition *may* contain the names of voters from more than one voting precinct. For all other governmental entities, each sheet shall contain the names of voters from one voting district.
- The inclusion of an invalid signature (electronic and nonelectronic) shall not invalidate an entire page of the petition, but will result in the invalid signature not being counted.
- Electronic signatures are allowed only if they comply with the Uniform Electronic Transaction Act. Additionally, each signature, electronic and nonelectronic, shall be followed by the name and number of the designated voting precinct.
- After the expenses associated with electronic petition signatures have been incurred in accordance with the Act, then the electronic petition signatures shall be included in determining whether the required number of petition signatures have been obtained.

The fiscal impact of HB 49 GA on a local government regarding the imposition of a property tax is indeterminable.

HB 49 GA is not expected to directly impact tax revenues. There could be an increase in the county clerk's expenditures, depending on the amount of time and staff required to verify the petition signatures. The process to verify the petition signatures will differ depending on whether the petition is submitted in paper or electronic format. The process to verify petition signatures is dependent upon a taxing district levying a tax rate that is eligible for recall and a petition committee submitting a petition. Overall, there are too many variables to accurately estimate the county clerk's expenditures.

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

HB 49 GA keeps the major provisions of HB 49 HCS 1 and makes the following changes to HB 49 HCS 1:

- Changes for the number of days for a tax rate levied to go into effect from 50 days to 45 days, except for urban-county governments and consolidated local governments, which will go into effect in 50 days.
- Changes the time frame for the petition committee to file a petition to 50 days to 45 days, except for urban-county governments and consolidated local governments which will be 50 days.
- Petition committees filing petitions in response to a tax levied in an urban-county government and consolidated local government, must state in the petition if they agree to incur the cost associated with electronic petition signatures. If not, then electronic petition signatures will not be allowed for the petition.

- For urban-county and consolidated governments, each sheet of the petition may contain the names of voters from more than one voting precinct. For all other governmental entities, each sheet shall contain the names of voters from one voting district.

HB 49 HCS makes the following changes to HB 49 as introduced.

- The deadline to file a tax recall petition is extended from 45 days to 50 (changed from 75 days in the bill as introduced) days after passage of a property tax:
- Added that the petition committee is required to state in an affidavit whether or not the petition committee is willing to incur all of the expenses associated with electronic petition signatures. If the petition committee is not willing to incur all of the expenses, then electronic petition signatures shall not be allowed for the petition.
- The HCS removes the change within the bill as introduced relating to the percentage of registered and qualified voters that must sign a recall petition. The HCS keeps the percentage at 10%.
- Added that after the expenses associated with electronic petition signatures have been incurred in accordance with the Act, then the electronic petition signatures shall be included in determining whether the required number of petition signatures have been obtained.
- Removed the amendment to KRS 132.017 to allow local governments and district boards of education to cancel an election on a proposed property tax rate increase by amending the proposed tax rate to a rate equal to the compensating tax rate. Also removed is the provision that local governments and local boards of education may also amend to the compensating rate if the proposed rate increase is voted on and fails to pass.
- Removed the change relating to KRS 160.470 subjecting a property tax increase in excess of the compensating rate to a recall vote. Currently, the threshold for a recall vote is more than 4% of the compensating rate.

Data Source(s): LRC Staff

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