

or receives money or any other thing of value for signing a recall petition shall be guilty of a Class A misdemeanor.”

The number of voters necessary to petition the recall election is forty percent (40%) of the total votes cast in the last election for the office being recalled if less than 10,000 votes were cast for that office or thirty percent (30%) if the votes cast for that office is 10,000 or more.

After the appropriate number of qualifying signatures are received, the signed petition shall be filed with the appropriate county clerk on or before the earlier of:

- 180 days after the filing of the intent to circulate a petition for a recall election; or
- the second Tuesday in August preceding the day fixed by law for a regular election.

The clerk will notify the elected official named in the petition that a petition has been received. Within 30 days, the county clerk will make a determination regarding the validity of the petition. Upon determination that the petition meets established criteria, the county clerk shall certify that the petition is properly presented and that the recall question shall be placed on the ballot for the next regular election held in that county.

According to Harp Enterprises, a vendor that provides electronic voting machines to 96 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, has recently been estimated at between \$3,500 and \$4,500, and for Franklin County, with 44 precincts, the cost has been estimated at between \$1,700 and \$2,500.

Discussion with Lexington-Fayette County Clerk indicates the cost to add a question to ballot is generally \$3,000 to \$4,000 per county. He indicated that Harp Enterprises charges an hourly rate to do the programming and then the cost to install on each machine is absorbed in the general election cost of the county. County clerks may request reimbursement from the State Board of Elections for personnel costs necessary for the conduct of elections. Such amount shall not exceed fifty cents (\$0.50) per registered voter per year (KRS 117.343). This reimbursement amount does not cover the total cost of the election to the county.

According to the Louisville Jefferson County clerk, they use paper scanners and their own in-house IT people to do the programming and testing. Jefferson County’s main expense is related to the printing of ballots. If the number of candidates and any potential questions exceeded the space on one ballot, an additional ballot page would have to be printed. This would approximate \$30,000 to \$40,000 increased cost per election.

Overall, the potential for increased costs related recall elections is limited to the preparation of the ballot, both for electronic use and printing of paper ballots. In years where there are a lot of candidates and/or multiple constitutional questions, costs will be increased, with most of the cost the result of multiple-page ballots.

The impact on local jails is not determinable.

The overall fiscal impact of this legislation is indeterminable, but is not expected to substantially increase local election costs unless a recall petition is paired with a full election slate and results in a multi-page ballot. The election schedule posted by the Kentucky Secretary of State’s office is

below. From this schedule, it appears that elections for 2020 and 2022 will have at least eleven (11) and fifteen (15) public offices on the ballot.

Class A misdemeanors:

A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky’s 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

ELECTION SCHEDULE															
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
PRESIDENT AND VICE PRESIDENT (4 Year Term)			X				X				X				X
U.S. SENATE (Staggered 6 Year Term)	X1				X2		X1				X2		X1		
U.S. HOUSE (2 Year Term)	X		X		X		X		X		X		X		X
STATE OFFICERS* (4 Year Term)		X				X				X				X	
STATE SENATE (4 Year Term)															
Even Districts	X				X				X				X		
Odd Districts		X					X				X				X
STATE HOUSE (2 Year Term)	X		X		X		X		X		X		X		X
LOCAL SCHOOL BOARD (Staggered 4 Year Term)	X1		X2		X1		X2		X1		X2		X1		X2
JUSTICE OF THE SUPREME COURT (Staggered 8 Year Term)															
Districts 1, 2, 4, 6					X								X		
District 3	X								X						
District 5							X								X
District 7			X								X				
JUDGE OF THE COURT OF APPEALS (8 Year Term)					X								X		
CIRCUIT JUDGE (8 Year Term)					X								X		
DISTRICT JUDGE (4 Year Term)	X				X				X				X		
COMMONWEALTH'S ATTORNEY (6 Year Term)			X						X						X
CIRCUIT CLERK (6 Year Term)			X						X				X		X
COUNTY OFFICERS ** (4 Year Term)	X				X				X				X		
CITY OFFICERS															
A. Mayor (Staggered 4 Year Term)	X2		X1		X2		X1		X2		X1		X2		X1
B. Legislative Body (2 Year Term)	X		X		X		X		X		X		X		X
LEXINGTON-FAYETTE URBAN COUNTY COUNCIL															
1. At-Large (3) (4 Year Term)	X				X				X				X		
2. Districts (1-12) (2 Year Term)	X		X		X		X		X		X		X		X
LEGISLATIVE COUNCIL OF GREATER LOUISVILLE															
(Staggered 4 Year Term)															
1. Odd districts	X				X				X				X		
2. Even districts			X				X				X				X

* Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor of Public Accounts, State Treasurer, Commissioner of Agriculture
 ** Judge/Executive, Magistrates, Commissioners, County Clerk, County Attorney, Jailor, Coroner, Surveyor, P.V.A. Constable, Sheriff

The overall fiscal impact to local counties for a recall petition would be minimal for a recall election unless the resulting ballot became longer than one page. In that case, the impact may be greater on counties with a smaller number of registered voters.

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

Part II, above, pertains to the bill as introduced.

Data Source(s): LRC Staff, Various Kentucky County Clerks, Department of Corrections, Kentucky Secretary of State

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