## Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

## **Part I: Measure Information**

Bill Request #: 1371			
Bill #: HB 388 GA			
<b>Document ID #:</b> <u>5631</u>			
Bill Subject/Title: AN ACT realting to elections and declaring an emergency.			
Sponsor: Representative Kevin D. Bratcher			
Unit of Government:		X County Consolidated Local	Urban-County Unified Local Government
Office(s) Impacted: County Clerk; County Board of Elections, County Executive Committees			
Requirement: X Mandatory Optional			
Effect on Powers & Duties:	Modifies Existing	X Adds New Eli	minates Existing

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

HB 388 GA provides that the two members appointed by the State Board of Elections to serve on a county board of elections will serve a term of four years starting in 2023 following a shortened term of three years for members appointed in 2020. Appointments shall be made no later than July 1 of the year in which the term expires.

HB 388 GA provides a method for appointing precinct officers and alternate precinct officers including procedures for the county clerk to take when no member of one of the two political parties are available or willing to serve as a judge. A member of a political organization whose candidate received 2% of the vote in the last presidential election may serve as a precinct officer.

HB 388 GA clarifies that the county board of elections may designate a single voting location for more than one precinct. One voting machine may be used if that machine is capable of tabulating separate ballots. For locations hosting more than one precinct, the

county board of elections may petition the State Board of Elections to consolidate precinct election officers.

HB 388 GA changes procedures regarding mail-in absentee ballots. HB 388 GA forbids mail-in absentee ballots from being mailed to a voter's residential address except for:

- qualified voters whose employment requires him or her to be absent from the county of residence all hours and all days that in-person absentee voting is being conducted and is unable to appear at the polls on election day due to age, disability, or illness, and who has not been declared mentally disabled;
- voters who are incarcerated in jail but have not been convicted;
- voters who are uniformed service voters confined to a military base on election day; or
- student voters who temporarily reside outside the county of residence, if the student voter requests that the mail-in absentee ballot be sent to the student's residential address located in the county in which the voter is registered.

HB 388 GA moves the timeline for verification of mail-in absentee ballots to the day before any primary, regular election, or special election day. Currently, verification occurs the day of the election. Procedures and guidelines are giving regarding the violability of the mail-in absentee ballots. The actual counting of the mail-in absentee ballots will still occur at 8 a.m. on election day.

HB 388 GA increases the time frame that the county clerk must have the ballots printed and ready for use from at least 15 days to at least 45 days before a special election. The requirement regarding the quality of paper used for supplemental ballots as determined by regulation has been deleted.

HB 388 GA allows the county attorney to appoint someone to attend election officer training sessions. Additionally, HB 388 GA deletes the requirement that the county attorney or his or hers designee attend election officer training.

The fiscal impact of HB 388 GA on local governments is indeterminable but could range from minimal to significant. Per KRS 117.105, fiscal courts are responsible for purchasing or leasing voting machines to be used in regular, special, and primary elections. WLEX-18 news out of Lexington recently reported the Fayette County Clerk had purchased 175 paper ballot machines at a cost of \$11,000+ per machine. Given the stipulation that the machine must be capable of tabulating separate ballots, a number of machines may / may not have to be replaced.

Having two precincts at one location and the consolidation of precinct workers could save money. Per KRS 117.045, each precinct is required to have 4 election officers (2 judges, 1 clerk, and 1 sheriff of election). Per statute, each election officer is paid a minimum of \$10 for attending a mandatory training session before Election Day and a minimum of \$60 per Election Day and mileage. Using Franklin County as an example, election officers receive \$20 for training and \$145 for working on Election Day. KRS 117.343, does provide

for reimbursement of 0.50 per registered voter to the counties for the cost of employing personnel necessary to conduct elections. Additionally, a savings in any expense related to the closed precinct location would be realized.

The proposals related to the appointments of county board of election members and precinct officers will have minimal, if any, cost directly associated with them.

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

HB 388 GA is identical to HCS 1 except for the following change per HFA 1:

- clarifies that a member of a political *organization* whose candidate received at least 2% of the vote in the last presidential election may serve as a precinct officer.

HB 388 HCS 1 keeps the provisions of HB 388 as introduced and adds the following:

- forbids the mailing of absentee ballots to a voter's residential address except under certain exceptions;
- changes the date that the county clerk shall have the ballots ready for use.
- the requirements regarding the quality of paper has been deleted;
- allows the county attorney to appoint someone to attend election officer training sessions; and
- removes the requirement that the county attorney or his or hers designee must attend election officer training.

**Data Source(s):** <u>LRC staff.</u>