

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

**Part I: Measure Information**

**Bill Request #:** 897

**Bill #:** SB 49

**Document ID #:** 1440

**Bill Subject/Title:** AN ACT relating to local option elections.

**Sponsor:** Senator Tom Buford

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

Office(s) Impacted: Counties; 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**

**The fiscal impact of SB 49 is indeterminate and should be minimal.** SB 49 amends KRS 242.020 to provide that if a petition is for a countywide election to establish a county as wet or dry territory, and the county has a population of less than one hundred thousand (100,000) residents, **the petition for election shall be signed by at least five hundred (500) constitutionally qualified voters of the territory to be affected.** The petition may consist of one (1) or more separate units, and must be filed with the county clerk in accordance with the provisions of the Act. The results of an election based on a petition filed under the **provisions of this bill shall not affect the wet or dry status of any cities within that county or the moist status of any moist territories previously established in that county.**

Effectively, SB 49 dramatically reduces the number of petitioners needed to successfully petition for a local option election relating to the establishment of a county as a wet or dry territory **(from 25% of votes cast in a preceding general election to 500 qualified voters).** Thus, counties and county clerks should experience an increase in the number

**of petitions and local option elections.** It should be noted that House Bill 319, of the 2017 Regular Session of the General Assembly, also amended KRS 242.020 and KRS 242.030 to allow local option elections, such as those that deal with a wet/dry vote, to be held simultaneously with primary and general elections. That measure (now statute) also requires that the individual or group filing the petition for a local option election **must cover all costs of the special election if they want the measure to be considered separately from regularly scheduled elections.**

Costs associated with any election involve paying poll workers, paying the polling place rental fee, advertising costs and payment to the voting machine vendor which includes the printing of ballots. With the average cost to counties conducting an election of \$2,000 per precinct, savings to counties holding a local option election on the same day that a primary or regular election is held could range from minimal to significant, depending upon the composition of the territory (i.e., could range from one precinct to the entire county) and the number of territories within a county requesting local option elections per annum.

As counties currently pay for the costs of primary and general elections (apart from the state reimbursement of \$398 per precinct, \$199 each for primary and general elections), it is immaterial as to whether the petitioners pay for requesting a local option election on a day other than a primary or general election day or whether the local option election is added to the ballot of a primary or general election.

While counties would incur additional programming costs due to adding a new category to the ballot for a primary or general election that would not be incurred if the petitioners are covering the costs for a different day, the amounts are minimal. According to Harp Enterprises, a vendor that provides electronic voting machines to 97 Kentucky counties, recent costs for average size counties (e.g.; Franklin with 44 precincts) would average around \$45 per precinct.

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

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

**Data Source(s):** Kentucky County Clerks Association; Kentucky Association of Counties; Kentucky League of Cities

**Preparer:** H. Marks **Reviewer:** KHC **Date:** 1/10/20