Local Government Mandate Statement Kentucky Legislative Research Commission 2021 Regular Session

Part I: Measure Information

Sill Request #: 368
Bill #: HB 205
Document ID #: 983
Bill Subject/Title: AN ACT relating to voting.
ponsor: Representative Cherlynn Stevenson
Jnit of Government: City X County X Urban-County Unified Local 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 205 would permit a voter to apply for a mail-in absentee ballot by secure online portal created by the State Board of Elections. The portal must be able to ensure verification of the voter's identity through an identity document on file with the Transportation Cabinet. If the voter does not have such document, identity could be confirmed by completing the voter's affirmation required by KRS 117.228. The application would be verified and signed by the voter and returned by mail or in person.

Currently, if the application is properly signed and the person qualifies for a mail-in absentee ballot, the clerk must then complete a postal form for a certificate of mailing for the absentee ballot. This bill would give the clerk the option to use Intelligent Mail barcodes or other tracking methods in lieu of the form as allowed by the State Board of Elections. The bill establishes a process by which the person may cancel the mail-in absentee ballot by returning it to the county clerk's office by 4 p.m. on the day prior to election day, or return it to an election officer in the voter's precinct on election day during the hours that the poll is open. The bill also establishes procedures allowing the person to vote at the

polls. In the case of the mail-in absentee ballot being delivered to a precinct official, the official must then contact the county clerk, who must remove the name from the list of person who were sent mail-in absentee ballots and then inform the official that the person may vote in the precinct. Currently, an absentee ballot must be cancelled at least seven days prior to election day.

The bill allows a person who requested but did not receive a mail-in absentee ballot, or who is not otherwise able to return it, to appear at the precinct and affirm such fact to the election officer, who would then contact the county clerk. The clerk would remove the name from the absentee ballot list and inform the election officer that the person may vote.

The bill also deletes various references in the early voting statute to a "voting machine," thus giving the clerk the option of permitting early voting by paper ballot.

HB 205 would have a minimal fiscal impact on county clerk offices.

The Secretary of State has already established an online portal that could be used to apply for a mail-in absentee ballot. Because of the additional absentee ballots that might be processed, the bill may require county clerks to hire additional personnel during the times that ballots are requested and received. However, allowing Intelligent Mail barcodes instead of postal forms may make the process less burdensome. Allowing qualified voters to request a mail-in ballot application through an online portal may streamline the request process, allowing for reduced processing costs. HB 205 would require additional training for county clerk office employees.

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

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

Data Source(s): LRC staff; Secretary of State; State Board of Elections

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