

election would then fill the vacancy for the unexpired term in the office of United States Senator and would take office immediately.

SB 228 SCS 1 states that if the vacancy occurs **less than** three months prior to a regular election but a regular election is scheduled for the following year, the vacancy would be filled by appointment, and the remaining unexpired term shall be filled at the regular election in the succeeding year. The Governor would make the appointment in most circumstances from a list of three names submitted by the same political party of the Senator who held the vacant seat.

If the vacancy occurs less than three months prior to a regular election and there is *no* regular election scheduled for the following year, a special election would be called by writ of the Governor. A runoff election would occur if the candidate did not receive a majority of votes in the regular election. The bill sets forth the criteria for candidates' petitions, certifying candidates, and placement of names on the ballot.

SB 228 SCS 1 would have a minimal to moderate fiscal impact on county governments, assuming no additional state appropriations were given to county clerks for runoff elections or special elections. County clerks would incur some costs associated with receiving the Secretary of State's candidate certifications, and with election procedures and ballot design. These costs would be minimal. If the election to fill the vacancy occurred at a regular election for which the seat was not already on the ballot, there would be costs associated with adding the additional election choice. There would still be a runoff election involving the two top candidates if they did not receive a majority of the votes cast, and there could be a special election to fill a vacancy if the vacancy occurs less than three months prior to a regular election and there is no regular election schedule for the following year; the cost for the runoff election and special election would be an additional cost for counties.

The cost to add the election for a seat that was not already on the ballot would be similar to the costs for adding a proposed constitutional amendment to the ballot. Based on information received in early 2020 from Harp Enterprises, a vendor that provides electronic voting machines to almost 100 Kentucky counties, there are additional programming costs associated with adding a new constitutional amendment 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 286 precincts, was estimated at between \$3,500 and \$4,500, and for Franklin County, with 44 precincts, the cost was estimated at between \$1,700 and \$2,500.

There could be additional costs associated with extra paper (if the ballot language requires additional space) for paper ballots and absentee voting. It has been estimated that the cost of one extra page for a single ballot is \$0.25, depending on the county's printing contract. Therefore, the total cost would depend on the number of paper ballots that would need the extra page.

If the election occurred at a runoff or special election, the cost would be the cost of the additional election. A 2016 local option special election in Boyd County cost \$80,000. A survey has estimated the special election cost at \$1,200 per precinct. The 2018 special election in Bullitt County was held at a cost of \$45,000. Costs may be offset slightly by state payments, but the payments are not sufficient to cover election costs.

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

Part II, above, relates to SB 228 SCS 1, which made the following change to SB 228 as introduced:

- Allows the recipient of a majority of votes cast to fill the vacancy, rather than requiring another election for the candidates receiving the two highest number of votes.

The fiscal impact of SB 228 SCS 1 is similar but potentially less than the fiscal impact of SB 228 as introduced because there *would not be* a runoff or special election if the candidate received a majority of the votes cast. Under the introduced version, there would have been an election for the two candidates receiving the highest number of votes.

Data Source(s): LRC staff; Harp Enterprises; Kentucky County Clerks' Association; Fayette County Clerk https://www.dailyindependent.com/news/special-elections-prove-costly-for-kentucky-counties/article_cc1610f4-50d0-11e6-9d97-2380909c274c.html

Preparer: Robert Jenkins **Reviewer:** KHC **Date:** 3/1/21