

**Local Government Mandate Statement  
Kentucky Legislative Research Commission  
2022 Regular Session**

**Part I: Measure Information**

**Bill Request #:** 1515

**Bill #:** HB 323

**Document ID #:** 3218

**Bill Subject/Title:** AN ACT relating to elections and declaring an emergency.

**Sponsor:** Representative Jerry T. Miller

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

Office(s) Impacted: County Clerk

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**

HB 323 provides that the filing deadline for the 2022 primary be moved to 4 p.m. on May 31, 2022. Subsequently, the date of the 2022 primary election shall be the first Tuesday in August. The drawing for ballot positions, the certification of candidates, and any other election deadlines for the 2022 primary shall be suspended and held at a time determined by the Secretary of State or the county clerk.

The fiscal impact of HB 323 on local governments could be significant. Routine direct cost associated with moving the election dates might remain the same, but the fiscal and administrative cost involved with changing the dates could be significant.

The Kentucky County Clerks' Association was contacted for feedback. The Clerks' Association expressed several concerns regarding the implementation of HB 323. Those concerns are itemized below:

- Fiscal courts would have to bear the expense for three elections in one fiscal year (2022-2023), when generally there are only two – the August 2, 2022 election proposed by HB 323, and currently scheduled federal elections on November 8, 2022 and May 16, 2023. This will be a hardship for many locals since they have already turned in their 2022-23 budgets to the Department of Local Governments.
- The Military and Overseas Voter Empowerment (MOVE) Act requires states to transmit validly-requested absentee ballots to overseas military personnel no later than 45 days before a federal election, except where an undue hardship waiver is granted by the Department of Defense for that election. In many cases, primary ballots for the current May 17 primary may have already been printed to ensure delivery to military and overseas voters. These ballots would have been printed with the incorrect date, and thus would have to be re-printed possibly at the county's expense. *(Preparer's note: KRS 117.345 provides for a \$255 reimbursement per precinct from the Kentucky Board of Elections to cover election expenses. The county would be responsible for any cost above this amount.)*
- Several counties have a February machine set deadline for the May primary, some as early as Valentine's Day. The cost of setting the machines and printing ballots is a major cost, and for these counties, a cost that may already have been incurred.
- Many counties would need to seek funds for the General Assembly to pay for marketing new election dates to citizens.
- Can vendors logistically turn around the voting machines for the November general election once the proposed August primary is finalized?
- A number of counties are currently in the process of submitting their 2022 primary election plans to the State Board of Elections for approval. What if polling places need to change because polling places available in May are not available in August? Would the Board need to re-approve? A change of polling place might also necessitate additional costs to inform voters about the change in locale.
- The possibility of law suits resulting from the candidate's filing deadline being changed.
- Challenges resulting from the recent redistricting. Many precincts have been moved to other districts.
- The possibility of significant staff overtime cost in order to get ready for the November election necessitated by the quick turnaround from the proposed August primary election. There is usually a five month turnaround between the primary and general elections. The proposal would necessitate a two-month turnaround.

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

Part II refers to HB 323 as introduced. There are no prior versions of this bill.

**Data Source(s):** LRC Staff, Kentucky County Clerks' Association

**Preparer:** Wendell F. Butler (ms) **Reviewer:** KHC **Date:** 1/26/22