

CORRECTIONS IMPACT STATEMENT

SESSION: 22RS BILL # HB 564 SCS 1 BR # 433 DOC ID #: HB056440.100 - 433 - XXXX

BILL SPONSOR(S): Rep. J. Branscum, J. Decker, R. Roberts, N. Tate, J. Tipton, B. Wheatley

AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to elections and declaring an emergency.

SUMMARY OF LEGISLATION: Amend various sections of KRS Chapters 116, 117, 118, and 119 relating to no-excuse in-person absentee voting, establishing excused in-person absentee voting, prohibiting the early disclosure of unofficial ballot count totals, requiring a tamper resistant seal to be placed on voting equipment, recording the public counter on voting machines before and after the days of in-person absentee voting, changing the time from which the State Board of Elections is required to furnish the county clerk with the appropriate voter registration list prior to an election from five to six days, permitting a disabled voter and military and overseas voters the ability to use the same electronic transmission system for requesting mail-in absentee ballots, removing the requirement that a voter return a mail-in absentee ballot seven days prior to an election, central ballot counting board requirements, ballot box requirements, location designation for the counting and reviewing of mail-in absentee ballots, prohibitions relating to voting equipment and systems from being connected to the internet, requirements relating to securing and locking voting equipment and voting systems, submission of precinct-by-precinct summary reports, requirements relating to the in-person absentee ballot signature roster, requiring a secure online connection for the transmittal of unofficial election results, requirements relating to external devices used to upload election results, requirements related to election officers duties of election administration, requiring the State Board of Elections to promulgate administrative regulations, changing the filing deadline for unexpired terms of partisan races, and creating a Class D Felony for any person who directly connects or attempts to directly connect a voting machine, voting equipment, or voting system to a public network, including the Internet; EMERGENCY.

AMENDMENT: Retain the provisions of the bill, except the following: within Section 3, change the days of no-excuse, in-person absentee voting from 7 business days prior to an election to 6 business days prior to an election; permit an election officer the ability to cast an excused in-person absentee ballot; change the number of county election officials who maintain receipt of voting equipment keys from 3 to 2; amend KRS 117.085 to require a person who has received a mail-in absentee ballot, but who knows he or she will be in the county on the day of an election or during the days of no-excuse, in-person absentee voting to return his or her mail-in absentee ballot and vote in person; technical corrections to conform; amend KRS 117.086 to ensure party parity for the keys to ballot drop-boxes, receptacles, and transport containers; add and amend KRS 117.001, 118.015, and 119.005 to include the definition of "election officer".

AMENDMENT: Retain original provisions, except amend KRS 117.383 to include requirements related to an election audit, including a risk-limiting audit, and a risk-limiting audit program.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|---|--|
| <input type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input type="checkbox"/> Decreases incarceration |
| <input type="checkbox"/> Reduces inmate/offender services | <input type="checkbox"/> Increases inmate/offender services |
| <input type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions |
| <input checked="" type="checkbox"/> Changes elements of offense for existing crime(s) | |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain) . | |
-

STATE IMPACT: Class A, B, & C felonies are based on an average daily prison rate of \$97.60. Community Custody Class C and most Class D felons are housed in one of seventy-four (74) full service or regional jails for up to five (5) years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$35.43 per day, which includes \$31.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included).*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

This legislation pertaining to elections would have a negligible impact to incarceration or supervision of felony offenders under the Department of Corrections.

Under KRS 119.115 language is modified related to voting machines. Connecting the voting machine, equipment, or system that tabulates or aggregates votes to an internet or public network is added to the Class D felony offense of Election Officer

Tampering with Voting Machine. This prohibition for voting equipment that tabulates or aggregates votes to be connected to the internet or to communicate with any device external to the voting system is also added to KRS 117.125.

The Department of Corrections records reflect zero (0) offenders incarcerated or on supervision for voting violations under KRS 119.115. The Department does have three (3) individuals under supervision for KRS 119 offenses: 119.025 Wrongful Registration and 119.025 Alter/Destruction of Registration Records.

It is unknown how many additional felony convictions would be generated under this criminal offense, however, given the nature of the proposed modifications and historical low number of criminal voting-related convictions, the number of convictions related to these offenses would likely be very minimal.

Cost to Incarcerate

A Class D Felony sentence is 1 to 5 years.

10 Class D Felons cost KY \$129,318.61 to \$646,593.03

1 Class D Felon costs KY \$12,931.86 to \$64,659.30

100 Class D Felons cost KY \$1,293,186.06 to \$6,465,930.31

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. The estimated impact will be based on the \$35.43 cost to incarcerate for the Department of Corrections, including \$31.34 per diem and medical that DOC pays jails to house felony offenders. This cost to incarcerate may not be the actual housing cost for the jail.*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

Due to the limited number of convictions and associated incarceration related to election law violation, the fiscal impact to local incarceration from the legislation would be very minimal.

As a Class D offender, offenders subject to this offense would serve their sentence in a county detention facility at a cost to the Department of \$35.43 per day, with \$31.34 daily reimbursement to the local detention center.

PROJECTED IMPACT FROM AMENDMENTS:

NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

House Committee Substitute:

There is no change to corrections under the House Committee Substitute.

Senate Committee Substitute

There is no change to corrections under the Senate Committee Substitute.

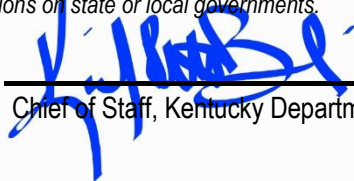
**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

The following offices contributed to this Corrections Impact Statement:

Dept. of Corrections Dept. of Kentucky State Police Administrative Office of the Courts Parole Board Other

NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population, lengthens the term or incarceration, or impose new obligations on state or local governments.

APPROVED BY:



Chief of Staff, Kentucky Department of Corrections

3/21/2022

Date