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

**Part I: Measure Information** 

Bill Request #: 2171	·		
Bill #: HB 754			
<b>Document ID #:</b> <u>6764</u>			
•	AN ACT proposing an a Kentucky relating to bai	amendment to Section 16 o	f the Constitution of
Sponsor: Representative Jason Nemes			
Unit of Government:	<del></del>	X County X Consolidated Local	Unified Local
Office(s) Impacted:	County Clerks		
Requirement: X	Mandatory Opti	ional	
Effect on Powers & Duties:	_ Modifies Existing	Adds New El	iminates Existing

## Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 754 proposes to amend Section 16 of the Constitution of Kentucky to allow holding a person after arrest without bail when after a hearing, a judge finds that the person may flee or poses an imminent danger to themselves or to others. The proposed amendment to the Kentucky Constitution will be put on the ballot for vote at the next regular election at which members of the General Assembly are elected.

If provides the following ballot question that will be submitted to voters for ratification or rejection:

Are you in favor of holding without bail a person who has been arrested if a judge, after a hearing, finds by clear and convincing evidence that there is a substantial risk the person may flee or poses an imminent danger to himself or herself or others?

Sections 4 and 5 of the bill direct the Secretary of State to take the actions required by the Constitution to publish the proposed amendment and to certify the question to the county clerk of each county. Each county clerk shall then have the entire question and proposed certified amendment placed on the ballot provided to voters. The county fiscal court is responsible for election costs.

The fiscal impact of requiring local governments to add a constitutional amendment to a ballot would be minimal, though for counties with smaller budgets the impact may be minimal to moderate. Section 256 of the Kentucky Constitution specifies that constitutional amendments are only added to the ballot for the general election in even-numbered years ("next general election for members of the House of Representatives").

The constitutional amendment would be submitted to the voters in November 2022. Balloting and publishing proposed constitutional amendments is a regular duty of county clerks, paid for by the county fiscal court. According to information received in early 2020 from Harp Enterprises, a vendor which provides electronic voting machines to almost 100 Kentucky counties, there are additional programming costs associated with adding a new category (local option question or 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, has recently been estimated at between \$3,500 and \$4,500, and for Franklin County, with 44 precincts, the cost has been estimated at between \$1,700 and \$2,500.

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

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

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

Enterprises; LRC staff

Preparer: MJO (ms) Reviewer: KHC Date: 3/2/22