Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

Part I: Measure Information

Bill Request #: 175	54					
Bill #: SB 149 GA						
Document ID #: 71	83					
Bill Subject/Title:	AN ACT proposing to amend Sections 77 and 240 of the Constitution of Kentucky relating to limiting the Governor's ability to grant pardons and commute sentences.					
Sponsor: Senator Christian McDaniel						
Unit of Government:	CityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment					
Office(s) Impacted:	Fiscal courts					
Requirement: X 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

SB 149 Sections 1 and 2 would propose amending Sections 77 and 240 of the Kentucky Constitution and placing on the ballot in the next general election the question:

Are you in favor of limiting a Governor's ability to grant pardons or commute sentences by prohibiting him or her ... [from doing so] ... during the time period beginning thirty days prior to the general election at which the Governor is elected, and ending the fifth Tuesday succeeding the election by amending the Constitution of Kentucky as stated below? **SB 149 Section 3** would apply this limitation to the Governor's power to pardon persons who have participated in a duel.

Sections 4, 5 and 6 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 SB 149 requiring county clerks 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"). Therefore, the proposed 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, Harp Enterprises, a vendor which provides electronic voting machines to 90 to 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 been estimated at approximately \$12 to \$15 per precinct, for a total between \$3,500 and \$4,500, and for Franklin County, with 44 precincts, the cost has been estimated at approximately \$39 to \$57 per precinct, for a total between \$1,700 and \$2,500. These estimates are based on data received in 2020 which is the latest data provided by Harp Enterprises. It is likely estimates would be higher now but no data has been made available to inform a more current estimate.

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

Part II applies to SB 149 GA version. The GA version of SB 149 is the same as the bill introduced. SB 149 passed its chamber of origin without any amendments or substitutes.

Data Source(s): LRC staff, Harp I		Enterprises			
Preparer: Marv	Stephens (wfb)	Reviewer:	КНС	Date:	2/10/22