Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

Part I: Measure Information

Bill Request #: 1081
Bill #: HB 191 SCS 1
Document ID #: <u>6023</u>
Bill Subject/Title: AN ACT relating to vacancies in office.
Sponsor: Representative Jared A. Bauman
Unit of Government: City County Urban-County Unified Local
Charter County X Consolidated Local Government
Office(s) Impacted: County Clerk
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies Existing _X_ Adds New _X_ Eliminates Existing

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

HB 191 SCS 1 affects only consolidated local governments. Currently, Kentucky's only consolidated local government is Louisville/Jefferson County, but this proposal will pertain to any future consolidated local governments, if they are established.

HB 191 SCS 1 requires that in the case of a vacancy on a consolidated local government council by reason of death, resignation, or removal from office, an election shall be held to fill the unexpired term. The exception to this is if the unexpired term ends on the first Monday in January following the next regular election and if less than three months before the next regular election, then the presiding officer of the council shall appoint a person to fill the vacancy for the remainder of the term.

Candidates must file petitions with the county clerk within 10 days of the official declaration notice by the presiding officer of the council regarding a vacancy and the election must be held within 60 days after the declaration on the next Tuesday which is not a federal holiday. The petition for nomination shall contain the signatures from 2 registered

voters of the council district and adhere to the current requirements found in KRS 118.315(2). The ballot must show the candidates party affiliation, and if not a registered member of a political party, the ballot must reflect the candidate as independent. The exception to this is if the unexpired term will *not* end the first Monday in January following the next regular election, and if less than three months before the next regular election, the unexpired term shall be filled on the date of the regular election. Lastly, the order of the names on the ballot shall be determined at a public drawing held in the county clerk's office at 4 p.m., ten days following the declaration of vacancy.

A voter at a special election as detailed above shall not be permitted to vote for all candidates of one party (straight-ticket voting) or for one or more candidates of every party, or for one or more independent, political organization, or political group candidates.

The fiscal impact of HB 191 SCS 1 is approximately \$50,000. This is the cost of a special election for Metro Council as calculated by the Jefferson County Clerk's Office.

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

Part II refers to HB 191 SCS 1. The SCS 1 version keeps all the provisions of HB 191 GA with the following additions:

- The election to fill vacancies will be held 60 days after the declaration of the vacancy *on the next Tuesday which is not a federal holiday*.
- The order of names on the ballot shall be determined by a public drawing.

This does not affect the fiscal impact of the bill.

The GA version retains all the changes made to HB 191 HCS 1.

The House Committee Substitute makes the following changes to HB 191 as introduced:

- Clarifies the first Monday in January following the next regular election as the determining date regarding the process for filling unexpired terms.
- Requires signatures of 2 registered voters of the council district to appear on the petition for nomination.
- Requires party affiliation on the ballot.

 Data Source(s):
 LRC Staff, Jefferson County Clerk

 Preparer:
 WB (JB)
 Reviewer:
 KHC
 Date:
 3/13/23