Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

Part I: Measure Information

Bill Request #: 439
Bill #: SB 50
Document ID #: 1491
Bill Subject/Title: AN ACT relating to elections.
Sponsor: Senator Damon Thayer
Unit of Government: X City X County Main Main Main Main Main Main Main Main Main Main
X Charter County X Consolidated Local X Government
Office(s) Impacted: County Clerk
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX_ Adds NewX_ Eliminates Existing

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

SB 50 requires county commissioners, mayors, legislative body members including those representing city wards, city officers, school board members, and soil and water conservation officers to run as partisan candidates in primary and regular elections.

Candidates where legislative body seats are elected at large without a specific division or ward shall not participate in a primary, but shall appear on the regular election ballot. The filing deadlines for these candidates are provided in SB 50. A candidate who is seeking a city ward office that is not an at-large office and who is defeated in a partisan primary shall be ineligible as a candidate for the November election for the city ward office that is elected at large.

In cases where a city's boundaries extend beyond a single county, the county clerk of each county shall certify the names of all the candidates with the clerk of the other county, and likewise, shall certify the vote totals for those candidates to the clerk of the other county.

SB 50 provides that appointments to fill the vacancies of the mayor or a city legislative body must be in accordance with Section 152 of the Kentucky Constitution. If, after thirty days, the mayor vacancy or a city legislative body vacancy has yet to be filled, the Governor may appoint a qualified person. Required procedures are provided for filling the mayor's vacancy by the legislative body as well as for filling vacancies on the legislative body.

For partisan elections without a primary candidate, ballot positions shall be determined by lot, if there is more than one candidate for the office of the same party affiliation.

SB 50 will require county and independent school board candidates to have their party affiliation presented on the ballot. For independent boards of education, candidates shall not have a primary election, only a regular election.

The fiscal impact of SB 50 on local governments is expected to be minimal. The

Kentucky County Clerk's Association doesn't think there would be substantial cost in implementing SB 50. Procedures for partisan elections are already in place as well as machines that are currently capable of handling partisan elections. The clerks will have to program the voting machines accordingly and prepare paper ballots to reflect the party affiliation of the candidates, but these costs should be similar to current cost. There may be minor cost related to training local election officials regarding the change to partisan elections. Likewise, educating the public may be an added expense to the clerk's office if money is not made available for this purpose.

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

Part II refers to SB 50 as introduced. There are no prior versions.

Data Source(s): <u>LRC Staff, Kentucky County Clerk's Association</u>

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