



payments of members set by fiscal courts would be raised from a minimum of \$15 to \$50 for each day the board meets.

**Section 4** would amend KRS 117.065 to require that the county board of elections shall establish the voting place for each precinct no later than January 15 of each year. The deadline is currently September 20 of each year. It would also allow the county board of elections to designate certain buildings as voting places all days of excused and no-excuse in-person absentee voting.

**Section 5** would amend KRS 117.066 to require petitions to consolidate precincts be submitted by county boards of elections at least 120 days before a primary election and that the approved petitions shall apply for the entire year.

**Section 6** would amend KRS 117.076 to allow any person prevented from voting in person at the polls on election day and from casting a no-excuse in-person absentee ballot, because of absence from the county of his or her residence to cast an excused in-person absentee ballot.

**Section 7** would amend KRS 117.085 to require that mail-in absentee ballots be mailed by county clerks to a student's residence or current address at the educational institution where he or she is enrolled. It would require that mail-in absentee ballots for persons incarcerated in jail who have been charged with but not convicted of a crime be sent to the correctional facility where he or she is in custody. Language that prohibits the information contained in an application for mail-in absentee ballots from being made public until after the close of business hours on the day of a primary or regular election would be eliminated.

**Section 8** would amend KRS 117.086 to require that county clerks send specified lists to the State Board of Elections and Secretary of State after any primary or election day.

**Section 11** would amend KRS 117.295 to allow the county clerk to dispose of video surveillance of voting equipment after 60 days, or upon completion of any investigation or pending litigation in which the footage could be material evidence, whichever is later. It would also require that the keys to voting equipment and ballot boxes remain in the possession of the county clerk.

**Section 12** would amend KRS 117.343 to increase the reimbursement to the county clerk from the State Board of Elections for necessary costs from \$0.50 to \$1.50 per registered voter in the county per year.

**Section 13** would amend KRS 117.345 to require the State Board of Elections to direct the State Treasurer to provide county treasurers \$0.50 per voter for the cost of conducting elections. Currently, this amount is calculated at \$255 per precinct in the county.

**Section 19** would amend would KRS 118.415 to remove references to participation by the Attorney General in the formation of a ballot question for a proposed constitutional

amendment. The General Assembly would be required to state the entirety of a proposed constitutional amendment in the form of a question and certify the question to the Secretary of State to be placed on ballots no later than April 15 preceding the applicable regular election. Currently the amendment can be rephrased in a manner calculated to inform the electorate of the substance of the amendment. The deadline is also currently 14 days preceding the first Tuesday in August preceding the applicable regular election.

**Section 21** would amend KRS 118.740 to require copies of certain proclamations or writs of election be forwarded by mail to the sheriff of a county at least 63 days before an election and that the sheriff shall give notice at least 56 days before the day of an election. Both of these deadlines would be moved up by 7 days relative to the current language.

**Section 22** would amend KRS 118.770 to require that certain certificates of nomination be filed at least 56 days before an election instead of the currently required 49 days.

**Section 27** would amend KRS 119.115 to add tampering, attempting to tamper with, deface, impair, injure, or destroy any e-poll book or election administration information system to a list of Class D felony offenses.

**Section 29** would amend KRS 160.190 to require candidates for school board vacancies to file nominating petitions not later than the second Tuesday in August preceding the regular election, and to file declarations of intent to be a write-in candidate in accordance with KRS 117.265.

**Section 30** would amend KRS 511.100 to change the definition of key infrastructure assets to make trespassing upon voting equipment, e-poll books, and all other assets vital to the Commonwealth's election administration a Class B misdemeanor for the first offense, and a Class A misdemeanor for a second or subsequent offense.

**Section 31** would appropriate General Fund money in the amount of \$2,650,000 in fiscal year 2023-2024, \$5,300,000 in fiscal year 2024-2025, and \$5,300,000 in fiscal year 2025-2026 to the State Board of Elections to support the increases in reimbursable election costs set forth in Sections 2, 12, and 13 of this Act.

**Section 32** would, notwithstanding subsection (2)(a) of Section 3 of this Act, require that members appointed by the State Board of Elections to the county board of elections whose terms expire on June 30, 2024, shall be reappointed by the State Board of Elections for a term of one year to expire on June 30, 2025.

**Section 33** declares an emergency and states that HB 580 HCS 1 would take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Sections 2, 12, 13 provide increased funding to local governments for the purpose of conducting elections and are funded by the appropriations outlined in Section 31.**

**The amounts of new expenditures and new funding created by HB 580 HCS 1 will vary from county to county.**

**The fiscal impact of the provisions of HB 580 HCS 1 affecting county clerks and county boards of elections is generally expected to be completely offset by the appropriations made within the bill.**

**Section 1** may create new administrative costs, however the Kentucky County Clerks Association (KCCA) believes these costs will be borne by the State Board of Elections.

The change in deadlines for county boards of elections to establish voting locations or file a petition to consolidate precincts may initially create additional expenditures as processes are changed to comply with **Sections 4 and 5**. KCCA does not expect these costs to be significant.

**Section 6** is not expected to affect the number of voters casting excused in-person absentee ballots according to the KCCA.

**Section 7** is not expected to have a significant impact on expenditures for county clerks who are responsible for mailing out absentee ballots.

**Section 8** would require clerks to also send specified lists to the Secretary of State at a minor additional expense.

**Section 19** may lead to longer constitutional amendment language on ballots. Ballot printing costs are also a factor in election expenses. If the proposed amendment results in additional pages needed for the ballot, that would be an additional cost to the county clerk's office. It has been estimated that the cost of one extra page for a ballot is \$0.25.

**The fiscal impact of Section 3 would result in minor increased expenditures for fiscal courts due to the increase in minimum county boards of elections per diem payments to board members.**

**The fiscal impact of the Section 21 which moves up the deadline by which sheriffs are required to give notice of a writ of election or proclamation by 7 days is expected to be minimal.**

**The fiscal impact of Section 27 and Section 30, which would create new criteria for a Class A misdemeanor, a Class B Misdemeanor, and a Class D felony offense, is expected to be minimal on local jails. Though it cannot be determined how often such violations would occur, they are expected to be rare.**

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 74 full-service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be

based on an average cost to incarcerate of \$44.97 per day. While the majority of misdemeanor defendants are granted bail, those who are not will also cost local jails an average cost to incarcerate of \$44.97 per day.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 74 full-service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$44.97, which includes the \$35.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full-service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$35.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

**Data Source(s):** LRC Staff; Kentucky Department of Corrections; Kentucky County Clerks Association; Harp Enterprises

**Preparer:** Jacob Blevins (LG) **Reviewer:** KHC **Date:** 2/28/24