

CORRECTIONS IMPACT STATEMENT

SESSION: 24RS BILL #: HB 580 HCS 1 HFA 3 BR #: 401

BILL SPONSOR(S): Rep. J. Decker, K. Bratcher, J. Hodgson

AMENDMENT SPONSOR(S):

TITLE: AN ACT relating to elections, making an appropriation therefor, and declaring an emergency.

SUMMARY OF LEGISLATION: Amend KRS 116.112 to allow the Secretary of State to enter into agreements on behalf of the State Board of Elections to further voter list maintenance practices; require that a voter confirm his or her residence has changed either through a letter submitted to the State Board of Elections or a form provided by the State Board of Elections on its website; amend KRS 116.145 increase the fee for registration of voters from 25 cents to one dollar; amend KRS 117.035 to provide that appointed members of a county board of elections shall serve four year terms that expire June 30 of the year following a presidential election; provide that a member of the county board of elections appointed by the State Board of Elections may be removed for just cause; increase the amount of compensation for members of the county board of elections to not less than \$50 for each day the board meets; amend KRS 117.065 to require that the county board of elections shall establish the voting place for each precinct not later than January 15 of each year; allow the county board of elections to designate certain buildings as voting places on election day and all days of early voting; amend KRS 117.066 to require petitions to consolidate precincts be submitted at least 120 days before a primary election and that the approved petitions shall apply for the entire year; 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; amend KRS 117.085 to require that mail-in absentee ballots be mailed to a student's residence or current address at the educational institution where he or she is enrolled; 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; require county clerks to keep lists of persons who return absentee ballots; require the county clerk to send a copy of the lists to the State Board of Elections and Secretary of State; prohibit the lists from being made public until after the close of business hours on the day of a primary or regular election; require that the county clerk and Secretary of State keep a record of the number of votes cast; amend KRS 117.235 to prohibit persons from electioneering within one hundred feet of a mail-in absentee drop-box or receptacle for 45 days before any election; amend KRS 117.265 to prohibit any candidate who is disqualified in a primary from running for the same office in the regular election; amend KRS 117.275 to require that the copy of the precinct-by-precinct summary of tabulation showing the results from each precinct include votes cast during all absentee voting; amend KRS 117.295 to allow the county clerk to dispose of video surveillance of voting equipment after 60 days; require that the keys to voting equipment and ballot boxes remain in the possession of the county clerk; amend KRS 117.343 to increase the reimbursement to the county clerk from the State Board of Elections for necessary costs to not more than one dollar and 50 cents per registered voter; amend KRS 117.345 to require the State Board of Elections to direct the State Treasurer to provide county treasurers 50 cents per voter; amend KRS 117.389 to remove the 30-day restriction for county clerks to have automatic tabulating equipment tested; amend KRS 117A.070 to inform voters who have applied after seven days before an election for a military-overseas ballot of their ability to use a federal write-in absentee ballot; amend KRS 118.125 to remove the requirement that a candidate's precinct be listed on his or her notification and declaration oath; amend KRS 118.345 to prohibit any candidate who is disqualified in a primary from running for the same office in the regular election; amend KRS 118.415 to remove references to participation by the Attorney General in the formation of a ballot question for a proposed constitutional amendment; amend KRS 118.445 to allow the Secretary of State to designate the location where presidential electors shall convene on the first Tuesday after the second Wednesday in December after their election; 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; amend KRS 118.770 to require that certain certificates of nomination be filed at least 56 days before an election; amend KRS 118A.060 to require names of judicial candidates be printed on the ballot in accordance with the requirements in KRS 118.129; amend KRS 118A.090 to conform; amend KRS 118A.100 to remove language to clarify that this chapter applies to a vacancy in office; amend KRS 160.180 to require that members of a board of education shall sign an affidavit and provide proof evidencing his or her completion of twelfth grade; 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 in accordance with KRS 117.265; require the State Board of Elections to reappoint appointed members of the county boards of elections whose terms expire on June 30, 2024 for a term of one year to expire on June, 20, 2025; APPROPRIATION; EMERGENCY.

HCS 1:

Retain original provisions, except amend KRS 116.112 to provide that the State Board of Elections is authorized to enter into agreements to further voter list maintenance practices; remove language allowing a voter to confirm a change in residence through a letter; amend KRS 117.065 to allow county boards of election to designate certain buildings as voting places on election day and all days of excused and no-excuse in-person absentee voting; amend KRS 117.066 to specify that approved petitions shall not begin applying for the entire year until January 1, 2025; amend KRS 117.085 to update language regarding the Secretary of State's Safe At Home program; add and amend KRS 117.086 to require that lists kept by the county clerks of persons who return absentee ballots also be sent to the Secretary of State; make technical corrections; add and amend KRS 117.900 to allow county boards of election to implement annual prize contests for students and teachers and prescribe guidelines for these contests; amend KRS 118.415 to establish the date for certification of constitutional amendment questions that are to be placed on the ballots; amend KRS 118.445 to require any location designated by the Secretary of State to be publicly displayed on his or her official website; add and amend KRS 119.005 to define "election administration information system"; add and amend KRS 119.115 to make it a Class D felony to tamper or attempt to tamper with, disarrange, deface, impair, injure, or destroy an e-poll book or election administration information system; add and 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.

HFA 3: Retain original provisions, except delete Sections 2, 12, 13, and 31, relating to appropriations, in their entirety; amend KRS 117.066 to allow county boards of election to petition the State Board of Elections to amend previously approved precinct consolidation plans; amend KRS 117.076 to remove language requiring a sworn statement to vote by excused in-person absentee voting for voters in the last trimester of pregnancy; require that tallies or counts of in-person absentee ballots, or any partial results, be transmitted or publicized only to the county board of elections until a certain time; amend KRS 117.085 to remove new language and restore language referencing the Secretary of State's crime victim address confidentiality protection program; require jail staff to allow incarcerated voters to receive assistance from the county clerk to request an absentee ballot; allow voters who are receiving in-patient or residential medical treatment to receive a mail-in absentee ballot at the facility where they are receiving treatment; allow certain voters who have left an address to request a second ballot, and require the county clerk to cancel the first absentee ballot; remove language from KRS 117.086 requiring the county clerk to send a copy of the lists of absentee voters to the Secretary of State; add and amend KRS 117.0861 to allow a caregiver or employee of a caregiving facility, or an employee of a jail to handle mail-in absentee ballots if he or she is ordinarily engaged in delivery of mail-matter, and as long as the ballot remains private to the voter; amend KRS 117.295 to clarify that the required video recording may be disposed of by county clerks upon compliance with the Kentucky Open Records Act; delete Section 30, relating to key infrastructure assets in its entirety.

AMENDMENT:

This bill amendment committee substitute is expected to:

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| <input checked="" type="checkbox"/> Have the following Corrections impact | <input type="checkbox"/> Have no Corrections impact. |
| <input type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input type="checkbox"/> Decreases incarceration. |
| <input type="checkbox"/> Reduces inmate/offender services | <input type="checkbox"/> Increases inmate/offender services. |
| <input type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions. |
| <input checked="" type="checkbox"/> Changes elements of the offense for existing crime(s) | |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain): | |

STATE IMPACT: Class A, B, & C felonies are based on an average daily prison rate of \$116.93. Community Custody Class C and most Class D felons are housed in one of seventy-four (74) full-service or regional jails for up to five (5) years. Department of Corrections cost to incarcerate a felony inmate in jail is \$44.97 per day, which includes \$35.34 per diem, medical costs, and central office administrative costs (substance abuse treatment not included).*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The legislation as introduced would not have an impact on operational costs at the state level.

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until the disposition of the case. The estimated impact will be based on the \$44.97 cost to incarcerate for the Department of Corrections, including \$35.34 per diem and medical that DOC pays jails to house felony offenders. This cost to incarcerate may not be the actual housing cost for the jail.*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The legislation as introduced would not have an impact on operational costs at the local level.

PROJECTED IMPACT FROM AMENDMENTS: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

HCS 1: The House Committee Substitute would likely have a minimal increase in operational costs by expanding the definition of a Class D felony. The necessary appropriations associated with the costs estimated in this corrections impact statement require a continuation of current service funding for adult correctional institutions.

Class D felons are housed in a county jail and DOC pays counties a per diem for housing those inmates. A Class D Felony sentence is 1 to 5 years. One (1) Class D Felon costs KY \$16,414.05 to \$82,070.25.

HFA 3: There is no changes to impact from HFA 3.

**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

The following offices contributed to this Corrections Impact Statement:

Dept. of Corrections Dept. of Kentucky State Police Administrative Office of the Courts Parole Board Other

NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population, lengthen the term of incarceration, or impose new obligations on state or local governments.

APPROVED BY: _____

Chief of Staff, Kentucky Department of Corrections

3/7/2024

Date