

1 AN ACT relating to precinct election officers.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 117.045 is amended to read as follows:

4 (1) The county board of elections shall in the manner prescribed by this section, not  
5 later than March 20 each year, except in a year in which no primary and regular  
6 elections are scheduled, appoint for each precinct in the county two (2) judges, one  
7 (1) clerk and one (1) sheriff of election. They shall serve in all elections held in the  
8 county during the year, except for minors ***sixteen (16) and*** seventeen (17) years of  
9 age~~[ who will become eighteen (18) years of age on or before the day of the regular~~  
10 ~~election]~~ who may only serve as election officers for the primary and regular  
11 elections as provided in subsection (9) of this section. If a special election is ordered  
12 to be held in a year in which no elections are scheduled, the county executive  
13 committee of each political party in each county in the territory affected by the  
14 special election shall, not later than twenty-eight (28) days preceding the date of the  
15 special election, submit a written list of nominees for precinct election officers to  
16 serve in the special election in a manner consistent with the provisions of subsection  
17 (2) of this section. The county board of elections in each county in the territory  
18 affected by the special election shall, not later than twenty-one (21) days preceding  
19 the date of the special election, appoint precinct election officers to serve in the  
20 special election in a manner consistent with the provisions of subsections (4), (5),  
21 and (6) of this section. The State Board of Elections shall promulgate an  
22 administrative regulation establishing evaluation procedures which county boards of  
23 elections may use to qualify persons nominated to serve as precinct election  
24 officers.

25 (2) The county executive committees of the two (2) political parties having  
26 representation on the State Board of Elections may, on or before March 15 each  
27 year, designate in writing to the county board of elections a list of not less than four

1 (4) names for each precinct; except that, in any precinct where there are not as many  
2 as four (4) persons possessing the qualifications of an election officer belonging to  
3 the political party filing the list, a lesser number may be designated. If there are two  
4 (2) or more contending executive committees of the same party in any county, the  
5 one recognized by the written certificate of the chairman of the state central  
6 committee of the party shall be the one authorized to submit the lists. The lists shall  
7 contain the full name, address, phone number, and Social Security number, if  
8 available, of each person listed. The lists shall be accompanied by a signed  
9 statement from each person stating that he is willing to serve, has not failed to serve  
10 without excuse in the past, and has not been convicted of an election law offense or  
11 any felony, unless the person's civil rights have been restored by the Governor. The  
12 State Board of Elections shall prescribe by administrative regulation the form of the  
13 list.

14 (3) The Attorney General shall notify each party state central committee of the duties of  
15 the party.

16 (4) If lists are submitted, the county board of elections shall select one (1) judge at each  
17 voting place from each political party's list, and the county board shall select the  
18 sheriff from one (1) political party's list and the clerk from the other. If no lists are  
19 submitted, the two (2) members of the county board of elections who are appointed  
20 by the State Board of Elections may submit lists; and the county board shall select  
21 the sheriff and one (1) judge from one (1) list and the clerk and the other judge from  
22 the remaining list. If no lists are submitted, the county board shall select the sheriff  
23 and one (1) judge from the membership of one (1) party and the clerk and the other  
24 judge from the membership of the remaining party. The county board shall, when  
25 possible, also appoint an adequate number of alternate precinct election officers  
26 from names on the lists which were submitted but which were not selected by the  
27 county board as precinct election officers. If alternate precinct election officers are

1 not appointed from the lists of nominees who were not selected as precinct election  
2 officers, the county board of elections shall submit its method of selecting alternate  
3 precinct election officers to the State Board of Elections for its approval.

4 (5) If, after all reasonable efforts have been made, the county board of elections is  
5 unable to find two (2) qualified officers for each precinct who are affiliated with the  
6 two (2) political parties having representation on the State Board of Elections, the  
7 county board shall submit a list of emergency election officer appointments to the  
8 State Board of Elections. The county board shall also present, in writing, its efforts  
9 to recruit and appoint election officers as prescribed in subsection (4) of this  
10 section. The list of emergency appointments may include qualified voters not  
11 affiliated with the two (2) parties represented on the state board. The state board,  
12 after its review, may approve any or all of the emergency appointments submitted  
13 by the county board or may direct the county board to take other action. Any  
14 emergency appointment shall be made for the next ensuing election only.

15 (6) In addition to precinct election officers appointed under subsection (1) of this  
16 section, a county board of elections may appoint up to two (2) additional precinct  
17 election officers per precinct with the approval of the State Board of Elections. The  
18 state board shall promulgate an administrative regulation establishing conditions  
19 under which additional precinct officers may be approved.

20 (7) The county board of elections shall, not less than ten (10) days before the next  
21 ensuing election, send to each election officer written notice of his appointment.  
22 The board may direct the sheriff of the county to serve the notice of appointment, if  
23 it deems the action is necessary.

24 (8) The State Board of Elections may require the county board of elections to submit its  
25 list of precinct officers for review. The State Board of Elections may, after a  
26 hearing, direct the removal of any election officer who the board finds would not  
27 fairly administer the state election laws. The state board shall replace any officer so

1 removed. The board shall provide for the method and manner of the hearing by  
2 administrative regulation.

3 (9) An election officer shall be a qualified voter of the precinct; except:~~[that,]~~

4 **(a)** Where no qualified voter of the required political party is available within the  
5 precinct, the election officer shall be a qualified voter of the county; **and**~~[.]~~

6 **(b)** A minor **sixteen (16) or** seventeen (17) years of age~~[who will become~~  
7 ~~eighteen (18) years of age on or before the day of the regular election]~~ may  
8 serve as an election officer for the primary and regular elections **if**~~[in which~~  
9 ~~he or she is qualified to vote]~~

10 **1. The school the minor attends is not in session on the day of the**  
11 **primary or regular election; and**

12 **2. The minor:**

13 **a. Is a United States citizen;**

14 **b. Will be at least sixteen (16) years of age on the primary or**  
15 **regular election day;**

16 **c. Attends a public or private high school or is home-schooled;**

17 **d. Has at least a 2.5 grade point average; and**

18 **e. Completes the required training for election officers.**~~[however,]~~

19 No precinct shall have more than one (1) person serving as an election officer who  
20 is a minor~~[seventeen (17) years of age]~~.

21 **(10)** An election officer shall not:

22 **(a)** Be a candidate for office during the election year;~~[An election officer shall~~  
23 ~~not]~~

24 **(b)** Be the spouse, parent, brother, sister, or child of a candidate who is to be  
25 voted for at the election in the precinct in which the election officer will serve  
26 on election day; **or**~~[An election officer shall not]~~

27 **(c)** Have changed his **or her** voter registration party affiliation for one (1) year

1 prior to his ***or her*** appointment.

2 **(11)** An election officer may be removed, for cause, at any time up to five (5) days  
3 before an election.

4 **(12)** Vacancies shall be filled by the county board with alternate precinct election  
5 officers and the person appointed to fill the vacancy shall be of the same political  
6 party as the vacating officer, except for emergency appointments made as provided  
7 in subsection (5) of this section.

8 **(13)**~~(10)~~ If the county board of elections fails to appoint election officers, or if any  
9 officer is not present at the precinct at the time for commencing the election, or  
10 refuses to act, and if no alternate is available, the officer in attendance representing  
11 the political party of the absentee shall appoint a suitable person to act in his place  
12 for that election. If both representatives of the same political party are absent,  
13 qualified voters present affiliating with that party shall elect, viva voce, suitable  
14 persons to act in their places.

15 **(14)**~~(11)~~ Each election officer shall be paid a minimum of sixty dollars (\$60) per  
16 election day served, and such an additional amount as compensation as may be  
17 determined by the county board of elections, with the approval of the governing  
18 body which would be responsible for funding the election officers' pay, for each  
19 election in which the election officer serves, to be paid by the county. For delivering  
20 the election packets to the polls, the precinct election officers shall receive in  
21 addition the mileage reimbursement provided for state employees, for each mile  
22 necessarily traveled in the delivery of the packets to the polls, or a flat fee if the fee  
23 equals or exceeds that amount. For delivering election returns, the precinct election  
24 judges shall receive in addition the mileage reimbursement provided for state  
25 employees for each mile necessarily traveled from the place of voting to and from  
26 the place of delivery, or a flat fee if the fee equals or exceeds that amount. The fee  
27 paid to the precinct election judges for delivering election returns shall be paid by

1 the county.