

1 AN ACT relating to the filing deadline for candidates running for a seat in the
2 General Assembly.

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

4 ➔Section 1. KRS 118.165 is amended to read as follows:

5 (1) Except as provided in KRS Chapters 116 to 121, candidates for offices to be voted
6 for by the electors of one (1) county or of a district less than one (1) county, except
7 members of Congress and members of the General Assembly, shall file their
8 nomination papers with the county clerk of the county not earlier than the first
9 Wednesday after the first Monday in November of the year preceding the year the
10 office will appear on the ballot and not later than the last Tuesday in January
11 preceding the day fixed by law for holding the primary.

12 **(2)** Candidates for offices to be voted for by the electors of more than one (1) county,
13 and for members of Congress and members of the General Assembly, shall file their
14 nomination papers with the Secretary of State not earlier than the first Wednesday
15 after the first Monday in November of the year preceding the year the office will
16 appear on the ballot and not later than the ~~last~~ Tuesday ***prior to the third Monday***
17 in January preceding the day fixed by law for holding the primary. Signatures for
18 nomination papers shall not be affixed on the document to be filed prior to the first
19 Wednesday after the first Monday in November of the year preceding the year in
20 which the office will appear on the ballot. All nomination papers shall be filed no
21 later than 4 p.m. local time at the place of filing when filed on the last date on which
22 the papers may be filed.

23 **(3)**~~(2)~~ The Secretary of State or the county clerk shall examine the notification and
24 declaration form of each candidate to determine whether it is regular on its face. If
25 there is an error, the proper officer shall notify the candidate by certified mail within
26 twenty-four (24) hours of filing.

27 **(4)**~~(3)~~ A judge who elected to retire as a Senior Status Special Judge in accordance

1 with KRS 21.580 shall not become a candidate or a nominee for any elected office
2 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
3 number of days served by the judge acting as a Senior Status Special Judge.

4 ➔Section 2. KRS 117.055 is amended to read as follows:

5 Subject to KRS 117.0551 to 117.0555:

6 (1) Each county shall be divided into election precincts by the county board of
7 elections. Each election precinct shall be composed of contiguous and, as nearly as
8 practicable, compact areas having clearly definable boundaries and wholly
9 contained within any larger district. The county board of elections shall establish
10 precincts so that no boundary of a precinct crosses the boundary of:

11 (a) The Commonwealth;

12 (b) A county or urban-county;

13 (c) A congressional district;

14 (d) A state senatorial district;

15 (e) A state representative district;

16 (f) A justice of the peace or county commissioner's district established under
17 KRS Chapter 67; or

18 (g) An aldermanic ward established under KRS 83.440.

19 (2) The county board of elections shall have the authority to draw precinct lines so as to
20 enable more than one (1) precinct to vote at one (1) location. The county board of
21 elections shall review election precinct boundaries as often as necessary. Without
22 exception, they shall review the boundaries of all election precincts exceeding seven
23 hundred (700) votes cast in the last regular election prior to each primary~~[election]~~,
24 and the State Board of Elections may require a written report at least sixty (60) days
25 prior to the ***last*** candidate filing deadline set forth in KRS 118.165(1) on each
26 election precinct exceeding seven hundred (700) votes cast in the last regular
27 election. Consideration to the division of ~~***the***~~~~[said]~~ election precincts should be

1 based on the anticipated growth factor within the specified boundaries; however, the
2 county board of elections shall not be prohibited from dividing election precincts in
3 excess of seven hundred (700) votes cast in the last regular election or less than
4 seven hundred (700) votes cast in the last regular election if they elect to do so.
5 However, the State Board of Elections may, in its discretion, withhold from a
6 county the expenses of an election under KRS 117.345 for any precinct containing
7 more than one thousand five hundred (1,500) registered voters, excluding those
8 precincts utilizing optical scan voting machines and those periods of time in which
9 the precinct boundaries have been frozen under KRS 117.056.

10 (3) No election precinct shall be created, divided, abolished, or consolidated or the
11 boundaries~~[therein]~~ changed prior to any primary~~[election]~~ to comply with the
12 provisions of KRS 117.055 to 117.0555 and KRS 117.0557 later than the last date
13 prescribed by election law generally for filing notification and declaration forms
14 with the county clerk or Secretary of State. No election precinct shall be created,
15 divided, abolished, or consolidated or the boundaries~~[therein]~~ changed prior to any
16 **regular**~~[general]~~ election to comply with the provisions of KRS 117.055 to
17 117.0555 and KRS 117.0557 later than the last date prescribed by election law
18 generally for filing certificates or petitions of nomination with the county clerk or
19 Secretary of State.

20 (4) The county board of elections shall designate the name or number and the
21 boundaries of the election precincts. Each precinct shall contain, as nearly as
22 practicable, an equal number of voters, based on the number of registered voters in
23 the county.

24 (5) A map and listing of the exact election precinct boundaries shall be filed by the
25 county board of elections with the State Board of Elections, and any **later** changes
26 in boundaries~~[thereafter made]~~ shall also be filed with the State Board of Elections.
27 A copy of this map indicating all precinct boundaries within the county shall be

1 included in the election supplies of each precinct.

2 (6) If the county board of elections fails to perform any of the duties required by KRS
3 117.055 to 117.0555 and KRS 117.0557:

4 (a) The State Board of Elections or any citizen and voter of the county may apply
5 to the Circuit Court of the county for a summary mandatory order requiring
6 the board to perform the duty. Appeals may be taken to the Court of Appeals
7 by either party; and

8 (b) The State Board of Elections shall not submit claims for payments to the
9 county under KRS 117.343 and 117.345 until the State Board of Elections
10 determines in writing that the duty has been performed.

11 (7) The county board of elections shall coordinate all precinct boundary changes with
12 the affected school board, magisterial, and municipal boundaries.

13 ➔Section 3. KRS 118.215 is amended to read as follows:

14 (1) After the order of the names has been determined as provided in KRS 118.225, the
15 Secretary of State shall certify, to the county clerks of the respective counties
16 entitled to participate in the nomination or election of the respective candidates, the
17 name, place of residence, and party of each candidate or slate of candidates for each
18 office, as specified in the nomination papers or certificates and petitions of
19 nomination filed with him *or her*, and shall designate the device with which the
20 candidate groups, slates of candidates, or lists of candidates of each party shall be
21 printed, in the order in which they are to appear on the ballot, with precedence to be
22 given to the party that polled the highest number of votes at the preceding election
23 for presidential electors, followed by the political party which received the second
24 highest number of votes, with the order of any other political parties and
25 independents to be determined by lot. Candidates for county offices and local state
26 offices shall be listed in the following order: Commonwealth's attorney, circuit
27 clerk, property valuation administrator, county judge/executive, county attorney,

1 county clerk, sheriff, jailer, county commissioner, coroner, justice of the peace, and
2 constable. The names of candidates for President and Vice President shall be
3 certified in lieu of certifying the names of the candidates for presidential electors.

4 The names shall be certified as follows:

- 5 (a) Not later than the second Monday after the filing deadline for the primary as
6 established in subsection (1) of Section 1 of this Act;
- 7 (b) Not later than the second Monday after the filing deadline for the
8 regular~~general~~ election, except as provided in paragraph (c) of this
9 subsection; and
- 10 (c) Not later than the Monday after the Friday following the first Tuesday in
11 September preceding a regular~~general~~ election, for those years in which
12 there is an election for President and Vice President of the United States.
- 13 (2) Except as otherwise provided in subsection (3) of this section, all independent
14 candidates or slates of candidates whose nominating petitions are filed with the
15 county clerk or the Secretary of State shall be listed under the title and device
16 designated by them as provided in KRS 118.315, or if none is designated, under the
17 word "independent," and shall be placed on the ballot in a separate column or
18 columns or in a separate line or lines according to the office which they seek. The
19 order in which independent candidates or slates of candidates shall appear on the
20 ballot shall be determined by lot by the county clerk. If the same device is selected
21 by two (2) groups of petitioners, it shall be given to the first selecting it and the
22 county clerk shall permit the other group to select a suitable device. This section
23 shall not apply to candidates for municipal offices which come under subsection (3)
24 of this section.
- 25 (3) The ballots used at any election in which city officers are to be elected as provided
26 in subsection (2) of this section shall contain the names of candidates for the city
27 offices grouped according to the offices they seek, and the candidates shall be

1 immediately arranged with and designated by the title of office they seek. The order
2 in which the names of the candidates for each office are to be printed on the ballot
3 shall be determined by lot. Each group of candidates for each separate office for
4 which the candidates are to be elected shall be clearly separated from other groups
5 on the ballot and spaced to avoid confusion on the part of the voter.

6 (4) The Secretary of State shall not knowingly certify to the county clerk of any county
7 the name of any candidate or slate of candidates who has not filed the required
8 nomination papers, nor knowingly fail to certify the name of any candidate or slate
9 of candidates who has filed the required nomination papers.

10 (5) If the county clerk determines that the number of certified candidates or slates of
11 candidates cannot be placed on a ballot which can be accommodated by the voting
12 machines currently in use by the county, he or she shall so notify the State Board of
13 Elections not later than the last Tuesday in February preceding the primary or the
14 last Tuesday in August preceding the regular~~general~~ election. The State Board of
15 Elections shall meet within five (5) days of the notice, review the ballot conditions,
16 and determine whether supplemental paper ballots are necessary for the election.
17 Upon approval of the State Board of Elections, supplemental paper ballots may be
18 used for nonpartisan candidates or slates of candidates for an office or offices and
19 public questions submitted for a yes or no vote. All candidates or slates of
20 candidates for any particular office shall be placed either on the machine ballot or
21 on the paper ballot. Supplemental paper ballots may also be used to conduct the
22 voting, in the instance of a small precinct as provided in KRS 117.066.

23 (6) The ballot position of a candidate or slate of candidates shall not be changed after
24 the ballot position has been designated by the county clerk.