

1 AN ACT relating to elections.

2 WHEREAS, ensuring access to fair, transparent, and lawful elections is of  
3 paramount importance to the democratic process and to the confidence of the public in  
4 the integrity of the election system; and

5 WHEREAS, the Kentucky General Assembly recognizes the need to address  
6 potential gaps or ambiguities in the election laws and procedures as reflected in the case  
7 of *Kulkarni v. Horlander*, 701 S.W.3d 181 (Ky. 2024), in order to safeguard the rights of  
8 all voters and strengthen the electoral system; and

9 WHEREAS, the Kentucky General Assembly seeks to provide appropriate  
10 remedies and reforms to prevent similar issues from arising in future elections and to  
11 ensure compliance with both state and federal laws regarding voter rights and election  
12 administration;

13 NOW, THEREFORE,

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

15 ➔Section 1. KRS 118.125 is amended to read as follows:

16 (1) Except as provided in KRS 118.155, any person who is qualified under the  
17 provisions of KRS 116.055 to vote in any primary for the candidates for nomination  
18 by the party at whose hands he or she seeks the nomination, shall have his or her  
19 name printed on the official ballot of his or her party for an office to which he or  
20 she is eligible in that primary, upon filing, with the Secretary of State or county  
21 clerk, as appropriate, at the proper time, a notification and declaration.

22 (2) The notification and declaration shall be in the form prescribed by the State Board  
23 of Elections ***and shall include four (4) lines for signatures.*** It shall be signed by  
24 the candidate and by not less than two (2) registered voters of the same party from  
25 the district or jurisdiction from which the candidate seeks nomination. Signatures  
26 for nomination papers shall not be affixed on the document to be filed prior to the  
27 first Wednesday after the first Monday in November of the year preceding the year

1 in which the office will appear on the ballot. The notification and declaration for a  
2 candidate shall include the following oath:

3 "For the purpose of having my name placed on the official primary election  
4 ballot as a candidate for nomination by the ----- Party, I, ----- (name in full as  
5 desired on the ballot as provided in KRS 118.129), do solemnly swear that my  
6 residence address is ----- (street, route, highway, city if applicable, county, state,  
7 and zip code), that my mailing address, if different, is ----- (post office address), and  
8 that I am a registered ----- (party) voter; that I believe in the principles of the -----  
9 Party, and intend to support its principles and policies; that I meet all the statutory  
10 and constitutional qualifications for the office which I am seeking; that if nominated  
11 as a candidate of such party at the ensuing election I will accept the nomination and  
12 not withdraw for reasons other than those stated in KRS 118.105(3); that I will not  
13 knowingly violate any election law or any law relating to corrupt and fraudulent  
14 practice in campaigns or elections in this state, and if finally elected I will qualify  
15 for the office."

16 The declaration shall be subscribed and sworn to before an officer authorized to  
17 administer an oath by the candidate and by the two (2) voters making the  
18 declaration and signing the candidate's petition for office. Upon filing a  
19 notification and declaration with the county clerk or Secretary of State, a  
20 candidate shall provide documentation that verifies the two (2) voters are of the  
21 same party and are from the district or jurisdiction from which the candidate  
22 seeks nomination. Acceptable forms of documentation include but are not limited  
23 to a photocopy of the voter's registration record obtained from the county clerk's  
24 office or a printout of the voter's registration obtained from the State Board of  
25 Elections' official website.

26 (3) When the notice and declaration has been filed with the Secretary of State or county  
27 clerk, as appropriate, and certified according to KRS 118.165, the Secretary of State

1 or county clerk, as appropriate, shall have the candidate's name printed on the ballot  
2 according to the provisions of this chapter, except as provided in KRS 118.185.

3 (4) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall  
4 not be printed on the ballots as part of the candidate's name; however, nicknames,  
5 initials, and contractions of given names may be acceptable as the candidate's name.

6 ➔Section 2. KRS 118.165 is amended to read as follows:

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

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

25 (3) The Secretary of State or the county clerk shall examine the notification and  
26 declaration form of each candidate to determine whether it is regular on its face. If  
27 there is an error, the proper officer shall notify the candidate by certified mail

1 within twenty-four (24) hours of filing. *Pursuant to subsection (2) of Section 1 of*  
2 *this Act, it shall be the responsibility of the candidate to verify the registration of*  
3 *the two (2) voters making the declaration and signing the candidate's petition for*  
4 *office. The Secretary of State or the county clerk shall not certify any notification*  
5 *and declaration form that does not include the registration documentation*  
6 *required under subsection (2) of Section 1 of this Act.*

7 (4) A judge who elected to retire as a Senior Status Special Judge in accordance with  
8 KRS 21.580 shall not become a candidate or a nominee for any elected office  
9 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the  
10 number of days served by the judge acting as a Senior Status Special Judge.

11 ➔Section 3. KRS 118.176 is amended to read as follows:

12 (1) A "bona fide" candidate means one who is seeking nomination in a primary or  
13 election in a special or regular election according to law.

14 (2) The bona fides of any candidate seeking nomination as the nominee of a political  
15 party or a nonpartisan or judicial nominee in a primary or election to an office as a  
16 member of a political organization, political group, or as an independent in a special  
17 or regular election may be questioned by any qualified voter entitled to vote for the  
18 candidate or by an opposing candidate by summary proceedings consisting of a  
19 motion before the Circuit Court of the judicial circuit in which the candidate whose  
20 bona fides is questioned resides. An action regarding the bona fides of the nominee  
21 of a political party or a nonpartisan or judicial nominee may be commenced at any  
22 time prior to the primary. An action regarding the bona fides for election to an  
23 office as a member of a political organization, political group, or as an independent  
24 may be commenced at any time prior to a special or regular election. The motion  
25 shall be tried summarily and without delay. Proof may be heard orally, and upon  
26 motion of either party shall be officially reported. If the Circuit Judge of the circuit  
27 in which the proceeding is filed is disqualified or absent from the county or is

1           herself or himself a candidate, the proceeding may be presented to, heard and  
2           determined by the Circuit Judge of any adjoining judicial circuit.

3       (3) In any action or proceeding under this section the burden of proof as to the bona  
4           fides of a candidate shall be on the person challenging the bona fides of a candidate.

5           **The person challenging the bona fides of a candidate shall also have the burden**  
6           **of showing that the candidate acted maliciously or with the intent to defraud the**  
7           **court.**

8       (4) If the court finds the candidate is not a bona fide candidate it shall so order, and  
9           certify the fact to the board of elections, and the candidate's name shall be stricken  
10          from the written designation of election officers filed with the board of elections or  
11          the court may refuse recognition or relief in a mandatory or injunctive way. The  
12          order of the Circuit Court shall be entered on the order book of the court and shall  
13          be subject to a motion to set aside in the Court of Appeals. The motion shall be  
14          heard by the Court of Appeals or a judge thereof in the manner provided for  
15          dissolving or granting injunctions, except that the motion shall be made before the  
16          court or judge within five (5) days after the entry of the order in the Circuit Court,  
17          and may be heard and tried upon the original papers, and the order of the Court of  
18          Appeals or judge thereof shall be final.

19       (5) No person shall approach the Circuit Judge for the purpose or view of influencing  
20          his or her decision on the motion pending before the Circuit Judge or to be tried by  
21          him or her.