

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 67.060 is amended to read as follows:

4 (1) If a majority of the votes cast at an election held under KRS 67.050 are in favor of
5 the fiscal court being composed of the county judge/executive and three (3)
6 commissioners, the county judge/executive shall, no later than the first Monday in
7 January in the year of the regular election for county officers, divide the county into
8 three (3) districts as nearly equal in population as practicable, and shall establish the
9 boundary lines of each of the three (3) commissioner districts so that each district is
10 an unbroken area and not split or divided by another commissioner district. At the
11 next regular election for county officers, and every four (4) years thereafter, there
12 shall be elected by the voters of the entire county three (3) commissioners, one (1)
13 from each district who, with the county judge/executive, shall constitute the fiscal
14 court.

15 (2) (a) In any county containing a city of the first class, which county has heretofore
16 voted in favor of a fiscal court composed of the county judge/executive and
17 three (3) county commissioners, the county judge/executive shall divide the
18 county into three (3) districts as provided in subsection (1) of this section, the
19 districts to be designated for identification purposes by the letters A, B and C,
20 respectively.

21 (b) The three (3) commissioners shall be elected by the qualified voters of the
22 county at large at regular elections held every four (4) years. One (**I**)
23 commissioner shall represent District A and shall be elected at the regular
24 election in the year 1973, and two (2) commissioners who shall represent
25 Districts B and C, respectively, shall be elected at the regular election in the
26 year 1975.

27 (3) Persons seeking the nomination of a political party as candidate for the office of

1 county commissioner shall adhere to the same candidacy requirements of city
2 officers as stated in Section 4 of this Act and~~[, where a primary election is required~~
3 ~~for such political party,]~~ be voted upon exclusively by the eligible voters of the
4 district in which the person resides and seeks to represent. Persons seeking the
5 nomination of a political organization or political group, persons seeking the
6 nomination~~[minor political party persons who file]~~ as independent candidates, or
7 persons seeking the nomination in counties containing a city with a population
8 equal to or greater than eight thousand (8,000) as determined by the most recent
9 federal decennial census but not a city of the first class shall not be subject to the
10 provisions of this paragraph. They shall be nominated by the voters of the entire
11 county.

12 (4) To be eligible for election as a commissioner representing one (1) of the three (3)
13 districts, a person shall have been a bona fide resident of the district he or she
14 proposes to represent for at least one (1) year immediately preceding the election,
15 and, upon election, shall continue to reside within the district he or she was elected
16 to represent for the duration of the~~[his]~~ term of office, under penalty of forfeiture of
17 the office.

18 (5) Commissioners elected under this section shall take the oath of office and enter
19 upon the discharge of their duties on the first Monday in January after their
20 election, and shall serve for terms of four (4) years and until their successors are
21 elected and qualify, or until the effective date of a return to a fiscal court composed
22 of justices of the peace and the county judge/executive.

23 (6) No person is eligible to be a county commissioner unless he or she is at least
24 twenty-four (24) years of age and has been for two (2) years next preceding his or
25 her election a resident of the county and a citizen of Kentucky.

26 ➔Section 2. KRS 83A.020 is amended to read as follows:

27 The present organizational structure of each city shall remain in force until changed

1 under this chapter. All ordinances and resolutions presently in force in each city not in
 2 conflict with the provisions of KRS 83A.010 to Section 6 of this Act~~[83A.170]~~ shall
 3 remain in force until changed.

4 ➔Section 3. KRS 83A.040 is amended to read as follows:

5 (1) *In addition to the candidacy requirements of Section 4 of this Act,* a mayor shall
 6 be elected by the voters of each city at a regular election. A candidate for mayor
 7 shall be a resident of the city for not less than one (1) year prior to his or her
 8 election. *A mayor's*~~[His]~~ term of office shall begin on the first day of January
 9 following his *or her* election and shall be for four (4) years and until *a*~~[his]~~
 10 successor qualifies. If a person is elected or appointed as mayor in response to a
 11 vacancy and serves less than four (4) calendar years, then that period of service
 12 shall not be considered for purposes of re-election a term of office. A mayor shall
 13 be at least twenty-one (21) years of age, shall be a qualified voter in the city, and
 14 shall reside in the city throughout *the*~~[his]~~ term of office.

15 ~~[(2) If a vacancy occurs in the office of mayor, the following provisions shall apply:~~

16 ~~(a) The legislative body of the city shall fill the vacancy within thirty (30) days.~~

17 ~~(b) A member of the legislative body in any city organized and governed under
 18 the commission plan as provided by KRS 83A.140 or city manager plan as
 19 provided by KRS 83A.150 may vote for himself.~~

20 ~~(c) A member of the legislative body in any city organized and governed under
 21 the mayor council plan as provided by KRS 83A.130 and in any city of the
 22 first class organized under the mayor alderman plan as provided by KRS
 23 Chapter 83 shall not vote for himself.~~

24 ~~(d) The legislative body shall elect from among its members an individual to
 25 preside over meetings of the legislative body during any vacancy in the office
 26 of mayor in accordance with the provisions of KRS 83A.130 to 83A.150.~~

27 ~~(3) When voting to fill the vacancy created by a resignation of a mayor the resigning~~

1 ~~mayor shall not vote on his successor.]~~

2 (2)~~(4)~~ *In addition to the candidacy requirements of Section 4 of this Act,* each
3 legislative body member shall be elected at large by the voters of each city at a
4 regular election. A candidate for a legislative body shall be a resident of the city for
5 not less than one (1) year prior to his or her election. *The*~~[His]~~ term of office shall
6 begin on the first day of January following his *or her* election and shall be for two
7 (2) years~~[, except as provided by KRS 83A.050]~~. A member shall be at least
8 eighteen (18) years of age, shall be a qualified voter in the city, and shall reside in
9 the city throughout his *or her* term of office.

10 ~~{(5) If one (1) or more vacancies on a legislative body occur in a way that one (1) or~~
11 ~~more members remain seated, the remaining members shall within thirty (30) days~~
12 ~~fill the vacancies one (1) at a time, giving each new appointee reasonable notice of~~
13 ~~his selection as will enable him to meet and act with the remaining members in~~
14 ~~making further appointments until all vacancies are filled. If vacancies occur in a~~
15 ~~way that all seats become vacant, the Governor shall appoint qualified persons to~~
16 ~~fill the vacancies sufficient to constitute a quorum. Remaining vacancies shall be~~
17 ~~filled as provided in this section.~~

18 ~~(6) If for any reason, any vacancy in the office of mayor or the legislative body is not~~
19 ~~filled within thirty (30) days after it occurs, the Governor shall promptly fill the~~
20 ~~vacancy by appointment of a qualified person who shall serve for the same period~~
21 ~~as if otherwise appointed.~~

22 ~~(7) No vacancy by reason of voluntary resignation in the office of mayor or on a~~
23 ~~legislative body shall occur unless a written resignation which specifies a~~
24 ~~resignation date is tendered to the legislative body. The resignation shall be~~
25 ~~effective at the next regular or special meeting of the city legislative body occurring~~
26 ~~after the date specified in the written letter of resignation.~~

27 ~~(8) Pursuant to KRS 118.305(7), if a vacancy occurs which is required by law to be~~

1 filled temporarily by appointment, the legislative body or the Governor, whichever
 2 is designated to make the appointment, shall immediately notify in writing both the
 3 county clerk and the Secretary of State of the vacancy.]

4 ~~(3)~~⁽⁹⁾ Except in cities of the first class, any elected officer, in case of misconduct,
 5 incapacity, or willful neglect in the performance of the duties of his *or her* office,
 6 may be removed from office by a unanimous vote of the members of the legislative
 7 body exclusive of any member to be removed, who shall not vote in the deliberation
 8 of his *or her* removal. No elected officer shall be removed without having been
 9 given the right to a full public hearing. The officer, if removed, shall have the right
 10 to appeal to the Circuit Court of the county and the appeal shall be on the record.
 11 No officer so removed shall be eligible to fill the office vacated before the
 12 expiration of the term to which originally elected.

13 ~~(4)~~⁽¹⁰⁾ Removal of an elected officer in cities of the first class shall be governed by
 14 the provisions of KRS 83.660.

15 ➔Section 4. KRS 83A.045 is amended to read as follows:

16 (1) ~~[Except as provided in KRS 83A.047, partisan]~~Elections of city officers shall be
 17 *partisan elections and* governed by the following provisions, regardless of the form
 18 of government or classification of the city:

19 (a) A candidate for party nomination to city office shall file his or her nomination
 20 papers with the county clerk of the county not earlier than the first Wednesday
 21 after the first Monday in November of the year preceding the year in which
 22 the office will appear on the ballot and not later than the first Friday following
 23 the first Monday in January before the day fixed by KRS Chapter 118 for
 24 holding a primary for the office sought~~[. Signatures for nomination papers~~
 25 ~~shall not be affixed on the document to be filed prior to the first Wednesday~~
 26 ~~after the first Monday in November of the year preceding the year in which~~
 27 ~~the office will appear on the ballot. All nomination papers shall be filed no~~

1 later than 4 p.m. local time when filed on the last day on which the papers are
2 permitted to be filed];

- 3 (b) An independent candidate for nomination to city office shall not participate in
4 a primary, but shall file his or her nomination papers with the county clerk of
5 the county not earlier than the first Wednesday after the first Monday in
6 November of the year preceding the year in which the office will appear on
7 the ballot and not later than the first Tuesday after the first Monday in June
8 before the day fixed by KRS Chapter 118 for holding a regular election for the
9 office; ~~Signatures for nomination papers shall not be affixed on the~~
10 ~~document to be filed prior to the first Wednesday after the first Monday in~~
11 ~~November of the year preceding the year in which the office will appear on~~
12 ~~the ballot. All nomination papers shall be filed no later than 4 p.m. local time~~
13 ~~when filed on the last day on which the papers are permitted to be filed; and]~~

- 14 (c) For candidates where legislative body seats are elected at large without a
15 specific representation of a division or ward, a candidate shall not
16 participate in a primary, but shall be required to file his or her nomination
17 papers with the county clerk of the county not earlier than the first
18 Wednesday after the first Monday in November of the year preceding the
19 year in which the office will appear on the ballot and not later than the first
20 Tuesday after the first Monday in June before the day fixed by KRS Chapter
21 118 for holding a regular election for the office sought; and

- 22 ~~(d)~~~~(e)~~ A candidate for city office who is defeated in a partisan primary shall be
23 ineligible as a candidate for the same office in the regular election. A
24 candidate who is seeking a city ward office of a division that is not an at-
25 large office and who is defeated in a partisan primary shall be ineligible as
26 a candidate for the November election for the city ward office that is elected
27 at large. However, if a vacancy occurs in the party nomination for which he

1 or she was an unsuccessful candidate in the primary, his or her name may be
2 placed on the ballot for the regular election as a candidate of that party if he or
3 she has been duly made the party nominee after the vacancy occurs, as
4 provided in KRS 118.105.

5 **(2) Signatures for nomination papers shall not be affixed on the document to be filed**
6 **prior to the first Wednesday after the first Monday in November of the year**
7 **preceding the year in which the office will appear on the ballot. All nomination**
8 **papers shall be filed with the county clerk of the county in which the candidate**
9 **resides no later than 4 p.m. local time on the last day on which the papers are**
10 **permitted to be filed.**

11 **(3) (a) In a city whose boundaries extend beyond those of a single county, on the**
12 **day following the candidate filing deadline, each county clerk shall certify**
13 **the names of all candidates for city office that filed nomination papers with**
14 **him or her to the clerk of the other county into which the boundaries of the**
15 **city extend.**

16 **(b) In the case of a candidate voted for by the electors of a city whose**
17 **boundaries extend beyond those of a single county, each county clerk shall**
18 **certify the vote totals for that candidate to the clerk of the other county into**
19 **which the boundaries of the city extend.**

20 **(4) The election of city officers shall be governed by general election laws as**
21 **provided in KRS Chapters 116 to 121.**

22 ~~[(2) Except as provided in KRS 83A.047, nonpartisan elections of city officers shall be~~
23 ~~governed by KRS 83A.050, 83A.170, 83A.175, and the following provisions,~~
24 ~~regardless of the form of government or classification of the city:~~

25 ~~(a) A candidate for city office shall file his or her nomination papers with the~~
26 ~~county clerk of the county not earlier than the first Wednesday after the first~~
27 ~~Monday in November of the year preceding the year in which the office will~~

1 ~~appear on the ballot and not later than the first Friday following the first~~
2 ~~Monday in January before the day fixed by KRS Chapter 118 for holding a~~
3 ~~primary for nominations for the office. Signatures for nomination papers shall~~
4 ~~not be affixed on the document to be filed prior to the first Wednesday after~~
5 ~~the first Monday in November of the year preceding the year in which the~~
6 ~~office will appear on the ballot. All nomination papers shall be filed no later~~
7 ~~than 4 p.m. local time when filed on the last day on which the papers are~~
8 ~~permitted to be filed;~~

9 ~~(b) Any city of the home rule class may by ordinance provide that the nomination~~
10 ~~and election of candidates for city office in a nonpartisan election shall be~~
11 ~~conducted pursuant to the provisions of this subsection:~~

12 ~~1. A city may forgo conducting a nonpartisan primary for the nomination~~
13 ~~of candidates to city office, regardless of the number of candidates~~
14 ~~running for each office, and require all candidates to file their~~
15 ~~nomination papers with the county clerk of the county not earlier than~~
16 ~~the first Wednesday after the first Monday in November of the year~~
17 ~~preceding the year in which the office will appear on the ballot and not~~
18 ~~later than the first Tuesday after the first Monday in June before the day~~
19 ~~fixed by KRS Chapter 118 for holding a regular election for the office.~~
20 ~~Signatures for nomination papers shall not be affixed on the document~~
21 ~~to be filed prior to the first Wednesday after the first Monday in~~
22 ~~November of the year preceding the year in which the office will appear~~
23 ~~on the ballot;~~

24 ~~2. All nomination papers shall be filed no later than 4 p.m. local time when~~
25 ~~filed on the last day on which the papers are permitted to be filed;~~

26 ~~3. If a city does not conduct a primary pursuant to this subsection, the~~
27 ~~election of candidates to city office shall be governed by the provisions~~

1 of this subsection, ~~KRS 83A.175(2) to (6), and KRS Chapters 116 to~~
 2 ~~121;~~

3 ~~4.—In the absence of a primary pursuant to this subsection, the number of~~
 4 ~~candidates equal to the number of city offices to be filled who receive~~
 5 ~~the highest number of votes cast in the regular election for each city~~
 6 ~~office shall be elected;~~

7 ~~5.—Candidates shall be subject to all other applicable election laws pursuant~~
 8 ~~to this chapter and KRS Chapters 116 to 121;~~

9 ~~6.—If a vacancy occurs in a candidacy for city office in any city which has~~
 10 ~~not held a primary pursuant to this subsection after the expiration of~~
 11 ~~time for filing nomination papers, or if there are fewer candidates than~~
 12 ~~there are offices to be filled, the vacancy in candidacy shall be filled by~~
 13 ~~write in voting; and~~

14 ~~7.—At the regular election, the voters shall be instructed to vote for one (1)~~
 15 ~~candidate, except when there is more than one (1) candidate for which~~
 16 ~~voters may vote, the instruction "vote for up to candidates" shall be~~
 17 ~~used on the ballot; and~~

18 ~~(c)—A candidate for city office who is defeated in a nonpartisan primary shall be~~
 19 ~~ineligible as a candidate for the same office in the regular election.]~~

20 ➔Section 5. KRS 83A.100 is amended to read as follows:

21 (1) The legislative body of a city may by ordinance divide the city into wards by either
 22 of the following methods:

23 (a) The city may create the same number of wards as the number of legislative
 24 body members. Wards shall be as nearly equal in population as practicable
 25 and their boundaries shall be fixed by the ordinance;[;] or

26 (b) The city may establish a hybrid ward system for the conduct of its legislative
 27 body elections. A city acting under this paragraph shall provide in the

1 ordinance that a specific number of legislative body seats shall be subject to
2 the ward system and that a specific number of legislative body seats shall be
3 elected at large within the entire city without representing a particular ward.

4 The wards created under this paragraph shall be as nearly equal in population
5 as practicable and their boundaries shall be fixed by ordinance.

6 (2) The populations of wards shall be reviewed as necessary to ensure that populations
7 are as nearly equal as practicable, but the populations of wards shall be reviewed
8 for equalization at least as often as each regular federal census.

9 (3) Wards may be abolished by repeal of the ordinance creating them. No creation,
10 alteration or abolition of wards shall occur within two hundred forty (240) days
11 preceding a regular election.

12 (4) If a city is divided into wards, legislative body members shall be nominated and
13 elected in the following manner:

14 (a) **For** members~~[shall be]~~ elected in the regular November election at large, **in**
15 **addition to the requirements of subsection (1)(c) of Section 4 of this**
16 **Act,**~~[but]~~ each candidate shall reside in the ward he **or she** seeks to represent
17 and shall be elected in such a manner that each ward is equally represented on
18 the legislative body. The **candidate** names **and party emblems** shall be
19 presented in the election to show for which ward each candidate is seeking
20 election and voters shall be instructed to "vote for one candidate in each
21 ward." The candidate receiving the highest number of votes cast in each ward
22 shall be deemed to be elected from such ward; **and**

23 (b) **For those members not elected at large, in addition to the requirements of**
24 **subsection (1)(a) of Section 4 of this Act,** persons seeking the nomination of a
25 political party for the office of legislative body member~~[where a primary~~
26 ~~election is required for the political party,]~~ shall be voted upon exclusively by
27 the eligible voters of the ward in which the person resides and seeks to

1 represent[;]

2 ~~(e) Except as provided by paragraph (d) of this subsection, persons seeking~~
3 ~~nomination for the office of legislative body member in a nonpartisan election~~
4 ~~where a primary is conducted pursuant to KRS 83A.170 shall be voted upon~~
5 ~~at large by the voters of the city, and the two (2) candidates receiving the~~
6 ~~highest number of votes cast in each ward shall be deemed to be nominated~~
7 ~~from that ward; and~~

8 ~~(d) The city may provide specifically in the ordinance required by subsection (1)~~
9 ~~of this section that persons seeking nomination for the office of legislative~~
10 ~~body member in a nonpartisan primary conducted pursuant to KRS 83A.170~~
11 ~~shall be voted upon exclusively by the eligible voters of the ward in which the~~
12 ~~person resides and seeks to represent. The two (2) candidates receiving the~~
13 ~~highest number of votes cast in each ward shall be deemed to be nominated~~
14 ~~from the ward].~~

15 (5) Any city enacting or amending an ordinance to establish or abolish wards, modify
16 ward boundaries, or establish the manner of elections under subsection (4) of this
17 section shall be completed within the time specified by subsection (3) of this
18 section, and the city shall forward a copy of the ordinance to the county clerk or
19 county clerks of the county or counties in which the city is located.

20 ➔Section 6. KRS 83A.165 is amended to read as follows:

21 (1) A candidate running to fill the unexpired term of any city office shall file his or her
22 nomination papers in accordance with the provisions of KRS 83A.045, 118.365,
23 and 118.375[~~, and 83A.047].~~

24 ~~[(2) Vacancies in the office of mayor or city legislative body that are to be filled~~
25 ~~temporarily by appointment shall be governed by the provisions of KRS 83A.040~~
26 ~~and Section 152 of the Kentucky Constitution.]~~

27 ~~(2) [(3)]~~ Vacancies in the office of mayor or city legislative body[~~that~~] are to be filled

1 by partisan election and shall be governed by the following provisions:

2 (a) Appointments to fill a vacancy shall occur in accordance with Section 152
3 of the Kentucky Constitution;

4 ~~(b)(a)~~ Vacancies in candidacy shall be governed by KRS 118.105;

5 ~~(c)(b)~~ Nominations for unexpired terms shall be governed by KRS 118.115
6 and Section 152 of the Kentucky Constitution;~~and~~

7 ~~(d)(e)~~ Independent candidates filing to fill a vacancy shall be governed by
8 KRS 118.375; and

9 (e) If for any reason, any vacancy in the office of mayor or city legislative body
10 is not filled within thirty (30) days after it occurs, the Governor shall
11 promptly fill the vacancy by appointment of a qualified person who shall
12 serve for the same period as if otherwise appointed.

13 (3) In addition to the requirements of subsection (2) of this section, if a vacancy
14 occurs in the office of mayor, the following provisions shall apply:

15 (a) The legislative body of the city shall fill the vacancy within thirty (30) days;

16 (b) A member of the legislative body in any city organized and governed under
17 the commission plan as provided by KRS 83A.140 or city manager plan as
18 provided by KRS 83A.150 may vote for himself or herself;

19 (c) A member of the legislative body in any city organized and governed under
20 the mayor-council plan as provided by KRS 83A.130 and in any city of the
21 first class organized under the mayor-alderman plan as provided by KRS
22 Chapter 83 shall not vote for himself or herself;

23 (d) The legislative body shall elect from among its members an individual to
24 preside over meetings of the legislative body during any vacancy in the
25 office of mayor in accordance with the provisions of KRS 83A.130 to
26 83A.150; and

27 (e) A resigning mayor shall not vote on his or her successor.

1 (4) In addition to the requirements of subsection (2) of this section, if one (1) or more
 2 vacancies on a legislative body occur in a way that one (1) or more members
 3 remain seated, the remaining members shall within thirty (30) days fill the
 4 vacancies one (1) at a time, giving each new appointee reasonable notice of his or
 5 her selection that will enable the appointee to meet and act with the remaining
 6 members in making further appointments until all vacancies are filled. If
 7 vacancies occur in a way that all seats become vacant, the Governor shall appoint
 8 qualified persons to fill the vacancies sufficient to constitute a quorum.
 9 Remaining vacancies shall be filled as provided in this section.

10 (5) No vacancy by reason of voluntary resignation in the office of mayor or on a
 11 legislative body shall occur unless a written resignation which specifies a
 12 resignation date is tendered to the legislative body. The resignation shall be
 13 effective at the next regular or special meeting of the city legislative body
 14 occurring after the date specified in the written letter of resignation.

15 (6) Pursuant to subsection (7) of Section 15 of this Act, if a vacancy occurs which is
 16 required by law to be filled temporarily by appointment, the legislative body or the
 17 Governor, whichever is designated to make the appointment, shall immediately
 18 notify in writing both the county clerk and the Secretary of State of the vacancy

19 ~~[(4) Vacancies in the office of mayor or city legislative body that are to be filled by~~
 20 ~~nonpartisan election shall be governed by the following provisions:~~

21 ~~(a) If the vacancy occurs not less than one hundred sixty (160) days before a May~~
 22 ~~primary, candidates to fill the vacancy shall be nominated at that primary in~~
 23 ~~the manner prescribed in KRS 83A.170;~~

24 ~~(b) If the vacancy occurs on or after the one hundred sixtieth day before a May~~
 25 ~~primary or at any time before the time prescribed in KRS 118.365 for filing~~
 26 ~~petitions of nomination, the election to fill the unexpired term shall be held~~
 27 ~~without a primary in the manner prescribed in Section 152 of the Kentucky~~

1 ~~Constitution. Petitions of nomination for candidates to fill the vacancy shall~~
2 ~~be filed at the time and place prescribed in KRS 118.365;~~

3 ~~(c) If the vacancy occurs after the time prescribed in KRS 118.365 for filing~~
4 ~~petitions of nomination, but not less than three (3) months before the regular~~
5 ~~election, petitions of nomination for candidates to fill the vacancy shall be~~
6 ~~filed not later than the second Tuesday in August preceding the regular~~
7 ~~election for the office sought; and~~

8 ~~(d) Vacancies in candidacy in any city that has eliminated the nonpartisan~~
9 ~~primary election pursuant to KRS 83A.045 shall be governed by the~~
10 ~~provisions of KRS 83A.045(2)(b)6].~~

11 ➔Section 7. KRS 117.265 is amended to read as follows:

12 (1) A voter may, at any regular or special election, cast a write-in vote for any person
13 qualified as provided in subsection (2) or (3) of this section, whose name does not
14 appear upon the ballot for any office, by writing the name of his or her choice upon
15 the appropriate ballot for the office being voted on as required by KRS 117.125.
16 Any candidate for city, county, urban-county, consolidated local government,
17 charter county government, or unified local government office who is defeated in a
18 partisan~~[or nonpartisan]~~ primary shall be ineligible as a candidate for the same
19 office in the regular election. **A candidate who is seeking a city ward office of a**
20 **division that is not an at-large office and who is defeated in a partisan primary**
21 **shall be ineligible as a candidate for the November election for the city ward**
22 **office that is elected at large.** Any voter utilizing a federal provisional ballot, a
23 federal provisional in-person absentee ballot, or a mail-in absentee ballot for a
24 regular or special election may write in a vote for any eligible person whose name
25 does not appear upon the ballot, by writing the name of his or her choice under the
26 office.

27 (2) Write-in votes shall be counted only for candidates for election to office who have

1 filed a declaration of intent to be a write-in candidate with the Secretary of State or
2 county clerk, depending on the office being sought, on or before the fourth Friday
3 in October preceding the date of the regular election and not later than the second
4 Friday before the date of a special election. In the case of a special election
5 administered under KRS 118.730, a declaration of intent to be a write-in candidate
6 shall be filed at least twenty-eight (28) days before the day of the election. The
7 declaration of intent shall be filed no earlier than the first Wednesday after the first
8 Monday in November of the year preceding the year the office will appear on the
9 ballot, and no later than 4 p.m. local time at the place of filing when filed on the last
10 date on which papers may be filed. The declaration of intent shall be on a form
11 prescribed and furnished by the Secretary of State.

12 (3) A person shall not be eligible as a write-in candidate:

13 (a) For more than one (1) office in a regular or special election; or

14 (b) If his or her name appears upon the ballot for any office, except that the
15 candidate may file a notice of withdrawal prior to filing an intent to be a
16 write-in candidate for office when a vacancy in a different office occurs
17 because of:

18 1. Death;

19 2. Disqualification to hold the office sought;

20 3. Severe disabling condition which arose after the nomination; or

21 4. The nomination of an unopposed candidate.

22 (4) Persons who wish to run for President and Vice-President shall file a declaration of
23 intent to be a write-in candidate, along with a list of presidential electors pledged to
24 those candidates, with the Secretary of State on or before the fourth Friday in
25 October preceding the date of the regular election for those offices. The declaration
26 of intent shall be filed no earlier than the first Wednesday after the first Monday in
27 November of the year preceding the year the office will appear on the ballot, and no

1 later than 4 p.m. local time at the place of filing when filed on the last date on
2 which papers may be filed. Write-in votes cast for the candidates whose names
3 appear on the ballot shall apply to the slate of pledged presidential electors, whose
4 names shall not appear on the ballot.

5 (5) The county clerk shall provide to the precinct election officers certified lists of
6 those persons who have filed declarations of intent as provided in subsections (2)
7 and (3) of this section. Only write-in votes cast for qualified candidates shall be
8 counted.

9 (6) Two (2) election officers of opposing parties shall upon the request of any voter
10 instruct the voter on how to cast a write-in vote.

11 ➔Section 8. KRS 117.275 is amended to read as follows:

12 (1) At the count of the votes in any precinct, any candidate or slate of candidates and
13 any representatives to witness and check the count of the votes therein, who are
14 authorized to be appointed as is provided in subsection (9) of this section, shall be
15 admitted and permitted to be present and witness the count.

16 (2) As soon as the polls are closed, and the last voter has voted, the judges at that time
17 shall immediately lock and seal the voting equipment so that the voting and
18 counting mechanisms will be prevented from operating, and they shall sign a
19 certificate stating:

20 (a) That the voting equipment has been locked against voting and sealed;

21 (b) The number of voters, as shown on the public counters;

22 (c) The number registered on the protective or cumulative counter or device; and

23 (d) The number or other designation of the voting equipment.

24 The certificate, with any additional certificate previously prepared under KRS
25 117.035, shall be returned by the judges of election to the officials authorized by
26 law to receive it. The judges shall compare the number of voters, as shown by the
27 counter of the voting equipment, with the number of those who have voted as

- 1 shown by the protective or cumulative counter or device.
- 2 (3) Where voting equipment is used which does not print the candidates' names along
3 with the total votes received on a general return sheet or record for that equipment,
4 the procedure to be followed shall be as follows:
- 5 (a) The judges, in the presence of the representatives mentioned in subsection (1)
6 of this section, if any, and of all other persons who may be lawfully within the
7 polling place, shall give full view of all the counter numbers;
- 8 (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate
9 of candidates, and for and against each question on the return sheets; and
- 10 (c) Each precinct election officer shall sign the return sheets, and a copy of the
11 return sheets shall be posted on the precinct door.
- 12 (4) Where voting equipment is used that prints the candidates' names along with the
13 total votes received on a return sheet or record for that equipment, the precinct
14 election officers shall sign the return sheets or record for the voting equipment,
15 which shall be posted on the door of the precinct.
- 16 (5) If any officer shall decline to sign the return sheets, he or she shall state the reason
17 in writing, and a copy thereof, signed by the officer, shall be enclosed with the
18 return sheets.
- 19 (6) Each of the return sheets, if applicable, and the record of the voting equipment shall
20 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)
21 copy of the record of the voting equipment, and the write-in roll, if any write-in
22 votes were cast in the precinct, shall be directed to the county board of elections of
23 the county in which the election is being held. One (1) copy of the return sheets or
24 record of the voting equipment shall be given to the county clerk of the county in
25 which the election is being held and to each of the local governing bodies of the two
26 (2) dominant political parties, but a local governing body of a dominant political
27 party may decline a copy of the precinct election return by filing a written

1 declination with the county board of elections prior to the election, and upon this
2 declination, a printed copy shall not be issued to the political party so declining.
3 The declination on file shall be effective for that election and any subsequent
4 elections until revoked by the local governing body of a dominant political party by
5 filing a written revocation with the county board of elections. The envelope shall
6 have endorsed thereon a certificate of the election officers, stating the number or
7 unique designation of the voting equipment, the precinct where it has been used, the
8 number on the seal, and the number on the protective or cumulative counter or
9 device at the close of the polls.

10 (7) During the period established by KRS 117.355(3), and following the tabulation of
11 all votes cast in the election, including absentee votes and write-in votes:

12 (a) The county board of elections shall mail, transmit via facsimile machine,
13 hand-deliver, or submit by electronic means a copy of the precinct-by-precinct
14 summary of the tabulation sheets showing the results from each precinct to the
15 State Board of Elections. The copy of the precinct-by-precinct summary of the
16 tabulation sheets showing the results from each precinct shall include the
17 votes cast on the day of an election and during in-person absentee voting; and

18 (b) The county clerk shall mail or deliver the precinct signature rosters from each
19 precinct and the in-person absentee ballot signature roster to the State Board
20 of Elections.

21 (8) For each voting location, as soon as possible after the completion of the count, the
22 two (2) election officers who are not of the same political affiliation shall return to
23 the county board of elections the keys to the voting equipment received and
24 receipted for by them, and the county clerk, in each voting location, shall have the
25 voting equipment properly boxed or securely covered and removed to a proper and
26 secure place of storage.

27 (9) In primaries, each candidate or group of candidates may designate to the county

1 board of elections a representative to witness and check the vote count. In regular
2 elections, the governing authority of each political party, each candidate for
3 member of board of education, ~~nonpartisan candidate,~~ political group candidate,
4 political organization candidate, independent candidate, or independent ticket may
5 designate a representative to the county board of elections to witness and check the
6 vote count. The county board of elections shall authorize representatives of the
7 news media to witness the vote count.

8 (10) For all federal provisional ballots, if applicable, and supplemental paper ballots if
9 approved as provided in KRS 118.215, after the polls are closed, the two (2) judges
10 shall return to the county clerk's office the locked federal provisional ballot
11 receptacle and the supplemental paper ballot box, all ballot stubs, spoiled ballots,
12 and unvoted ballots at the same time as the tabulation of votes from the voting
13 equipment is delivered. The county clerk shall issue a receipt for the number of
14 ballot stubs, unvoted ballots, spoiled ballots, and the ballot boxes or ballot
15 receptacle.

16 (11) The county board of elections, or its designee, shall count and tally the
17 supplemental paper ballots that have not been tabulated by automatic tabulating
18 equipment at the precinct, either manually or with the use of tabulating equipment
19 that has been certified by the State Board of Elections for use for that purpose in the
20 county clerk's office. The results of the vote tally shall be certified by the county
21 board of elections to the county clerk and to the Secretary of State.

22 (12) The county board of elections shall tabulate the valid federal provisional ballots.
23 The results of the vote tally shall be certified by the county board of elections to the
24 county clerk and to the Secretary of State. The county board of elections shall mail
25 a copy of the precinct-by-precinct summary of the valid federal provisional ballot
26 tabulation sheets showing the results from each precinct to the State Board of
27 Elections.

- 1 (13) The county board of elections shall authorize the candidates, slates of candidates, or
2 their representatives, and representatives of the news media to be present during the
3 counting of the supplemental and federal provisional paper ballots.
- 4 (14) No person shall transmit or publicize any tallies or counts of ballots, or any partial
5 results, to any person except those persons, election officials, or entities authorized
6 by law to receive it, until 6 p.m. prevailing time on the day of a primary or an
7 election.
- 8 (15) (a) Unofficial election results transmitted online to the county board of elections
9 or the State Board of Elections shall occur by means of a secure online
10 connection after results are tallied on the tally computer that has been certified
11 in accordance with KRS 117.379 as part of a voting system as defined in KRS
12 117.001.
- 13 (b) If an external device is used to upload election results for the subsequent
14 transmission, the device shall be used for that primary or election only and be
15 of a type approved by the State Board of Elections as part of a voting system
16 under KRS 117.379. The upload of the election results shall occur in the
17 presence of two (2) members of the county board of elections who are of a
18 different political affiliation.
- 19 (16) Except as otherwise required in this chapter, all records and papers relating to
20 specified elections shall be retained for twenty-two (22) months, and the county
21 clerk shall retain the voted federal provisional ballots, voter affirmations, election
22 official affirmations, and the supplemental paper ballots for twenty-two (22)
23 months and the unvoted federal provisional ballots, the voter affirmations, election
24 official affirmations, and the supplemental paper ballots for sixty (60) days after
25 each election day, after which time they shall be destroyed in a manner to render
26 them unreadable by the county board of elections if no contest or recount action has
27 been filed.

1 ➔Section 9. KRS 117.315 is amended to read as follows:

2 (1) Each political party is entitled to have not exceeding two (2) challengers at each
3 precinct during the holding of the primary election. Any group of bona fide
4 candidates, as defined in KRS 118.176, of the same political party equal to twenty-
5 five percent (25%) of all the candidates for that party to be voted for in a county in
6 any primary, including state, district, and all other candidates, may recommend to
7 the county committee or governing authority of the party for the county a list of
8 persons whom they desire to have appointed as challengers in each precinct in the
9 county. If more than two (2) such lists are furnished, the committee or governing
10 authority, in making appointments of challengers, shall alternate between the
11 several lists so furnished so as to give to each list an equal amount or proportion of
12 the appointments, but in no event shall there be appointed more than one (1)
13 challenger for any precinct from any one (1) list. The list of challengers shall be
14 presented to the chair or secretary of the party committee of the county on or before
15 the third Friday in April preceding the primary, and the committee or the chairman
16 thereof shall make the appointments, certify to same, and present a list of certified
17 challengers to the county clerk at least twenty (20) days before the date on which
18 the primary is held. The appointment of challengers shall be certified in all respects
19 as challengers at regular elections, except as otherwise provided in this section. The
20 challengers shall be registered voters of the county in which the primary is held and
21 shall be subject to the same penalties and possess the same rights and privileges as
22 challengers at regular elections, except that the challengers of one (1) political party
23 shall not be entitled to challenge persons who offer to vote for candidates of any
24 other party in the primary. The provisions of this section shall be enforceable
25 against the chair of the political party committees by a mandatory summary
26 proceeding instituted in the Circuit Court. The order of the court may be reviewed
27 by the Court of Appeals as provided for the granting or dissolving of temporary

1 injunctions.

2 (2) Any school board candidate,~~[any]~~ independent ticket,~~[or]~~ candidate for city
3 office,~~[any nonpartisan city candidate,]~~ or candidate for an office of the Court of
4 Justice at the primary or regular election may designate not more than one (1)
5 challenger to be present at and witness the holding of primaries or elections in each
6 precinct in the county. A candidate who designates a challenger shall present the
7 county clerk with the name of the challenger at least twenty (20) days preceding the
8 primary or regular election. The challenger shall be entitled to stay in the room or at
9 the door. The challenger shall be a registered voter of the county in which the
10 primary or election is held, shall be appointed in writing by the chair of the
11 committee, independent candidate, or candidates representing a ticket, and shall
12 produce written appointment on demand of any election officer.

13 (3) The county executive committee of any political party having a ticket to elect at any
14 regular or special election may designate not more than two (2) challengers to be
15 present at and witness the holding of the election in each precinct in the county. The
16 challengers shall be entitled to stay in the room or at the door. The challengers shall
17 be registered voters of the county in which the election is held, shall be appointed in
18 writing signed by the chair of the committee, and shall produce written
19 appointments on demand of any election officer. The committee or chair shall
20 present the county clerk with a list of designated challengers at least twenty (20)
21 days preceding a regular election and at least fifteen (15) days preceding a special
22 election.

23 (4) Except as provided in KRS Chapter 242, not later than the fourth Tuesday
24 preceding an election at which constitutional amendments or other public questions
25 are to be submitted to the vote of the people, any committee that in good faith
26 advocates or opposes an amendment or public question may file a petition with the
27 clerk of the county asking that the petitioners be recognized as the committee

1 entitled to nominate challengers to serve at the election at which the constitutional
2 amendment or public question is to be voted on. If more than one (1) committee
3 alleging itself to advocate or oppose the same amendment file such a petition, the
4 county board of elections shall decide, and announce by certified mail, return
5 receipt requested, to each committee not less than the third Tuesday preceding the
6 election, which committee is entitled to nominate the challengers. The decision
7 shall not be final, but any aggrieved party may institute proceedings with the county
8 judge/executive and, upon hearing, the county judge/executive shall determine
9 which of the committees shall be recognized as the one to select challengers at the
10 election.

11 (5) The committee shall file the names of the persons nominated by it with the clerk of
12 the county at least twenty (20) days before the primary and regular elections and not
13 less that fifteen (15) days preceding the date of a special election. The county board
14 of elections shall, not later than the Thursday preceding the election, certify the
15 nominees of the committee for the respective precincts to serve as challengers at the
16 election where any constitutional amendment or public question is to be voted
17 upon. If more than one (1) amendment or question is to be voted upon, the county
18 board of elections may designate, on the petition of the committee, one (1) person
19 for each amendment and question to serve as challenger at the election.

20 (6) The challengers shall perform their duties in the same manner and be subject to the
21 same privileges as other challengers at an election.

22 ➔Section 10. KRS 118.105 is amended to read as follows:

23 (1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115,
24 every political party shall nominate all of its candidates for elective offices to be
25 voted for at any regular election at a primary held as provided in this chapter, and
26 the governing authority of any political party shall have no power to nominate any
27 candidate for any elective office or to provide any method of nominating candidates

- 1 for any elective office other than by a primary as provided in this chapter.
- 2 (2) Any political organization not constituting a political party as defined in KRS
3 118.015 may make its nominations as provided in KRS 118.325.
- 4 (3) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination
5 made by the primary before the certification of candidates for the regular election
6 made under KRS 118.215, because of death, withdrawal, disqualification to hold
7 the office sought, or severe disabling condition which arose after the nomination,
8 the governing authority of the party may provide for filling the vacancy, but only
9 following certification to the governing authority, by the Secretary of State, that a
10 vacancy exists for a reason specified in this subsection. When such a nomination
11 has been made, the certificate of nomination shall be signed by the chair and
12 secretary of the governing authority of the party making it, and shall be filed in the
13 same manner as certificates of nomination at a primary.
- 14 (4) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination
15 made by the primary before the certification of candidates for the regular election,
16 and if that party's nominee was the only political party candidate for the office
17 sought, the governing authority of each party may nominate a candidate for the
18 regular election, provided that no person has sought that party's nomination by
19 filing a notification and declaration.
- 20 (5) If a vacancy occurs in the nomination of a candidate under the conditions of
21 subsection (3) or (4) of this section prior to September 15 preceding the day of the
22 regular election, certificates of nomination for replacement candidates shall be filed
23 in the same manner as provided in subsections (3) and (4) not later than 4 p.m. ten
24 (10) days after the vacancy occurs, excluding weekends and legal holidays. If a
25 vacancy occurs in the nomination of a candidate under the conditions of subsection
26 (3) or (4) of this section on or after September 15 preceding the date of the regular
27 election, certificates of nomination for replacement candidates shall be filed in the

1 same manner as provided in subsections (3) and (4) not later than 4 p.m. five (5)
2 days after the vacancy occurs, excluding weekends and legal holidays.

3 (6) If a vacancy in candidacy described in subsection (5) of this section occurs later
4 than the second Thursday preceding the date of the regular election, no certificates
5 of nomination shall be filed and any candidate whose name does not appear on the
6 ballot may seek election by write-in voting pursuant to KRS 117.265.

7 (7) This section does not apply to candidates for members of independent school
8 district boards of education, or presidential electors~~[-, nor to candidates participating~~
9 ~~in nonpartisan elections]. [However,] Regardless of the number of days served by a~~
10 judge acting as a Senior Status Special Judge, a judge who elected to retire as a
11 Senior Status Special Judge in accordance with KRS 21.580 shall not become a
12 candidate for any elected office during the five (5) year term prescribed in KRS
13 21.580(1)(a)1.

14 ➔Section 11. KRS 118.115 is amended to read as follows:

15 (1) ~~[Except as provided in KRS 83A.045(2)(b) governing vacancies in candidacy,~~
16 ~~]Candidates for unexpired terms to be filled at a regular election shall be nominated~~
17 ~~at the primary next preceding the regular election, if the vacancy occurred not less~~
18 ~~than one hundred sixty (160) days before the primary.~~

19 (2) If the vacancy occurred less than one hundred sixty (160) days before the primary,
20 the nomination shall be made in a manner determined by the governing authority of
21 the political party concerned as defined in KRS 118.015. Certificates of nomination
22 shall be filed as required with the Secretary of State or county clerk not later than
23 the first Tuesday after the first Monday in June preceding the day fixed by law for
24 the election.

25 (3) If the vacancy occurs after the first Tuesday after the first Monday in June
26 preceding the day fixed by law for the election, but not less than three (3) months
27 before the regular election, the nomination shall be made in a manner determined

1 by the governing authority of the political party concerned as defined in KRS
2 118.015. Certificates of nomination shall be filed as required with the Secretary of
3 State or county clerk not later than the second Tuesday in August preceding the
4 regular election sought.

5 (4) Independent, political organization, or political group candidates filing to fill a
6 vacancy for an unexpired term shall be governed by KRS 118.375.

7 (5) In the preparation of ballots, candidates for full terms shall be grouped together, and
8 candidates for unexpired terms shall be grouped together, under appropriate
9 headings, so that the voter may easily distinguish the candidates for full terms from
10 the candidates for unexpired terms.

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

15 ➔Section 12. KRS 118.176 is amended to read as follows:

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

18 (2) The bona fides of any candidate seeking nomination as the nominee of a political
19 party~~[or a nonpartisan]~~ or a judicial nominee in a primary or election to an office as
20 a member of a political organization, political group, or as an independent in a
21 special or regular election may be questioned by any qualified voter entitled to vote
22 for the candidate or by an opposing candidate by summary proceedings consisting
23 of a motion before the Circuit Court of the judicial circuit in which the candidate
24 whose bona fides is questioned resides. An action regarding the bona fides of the
25 nominee of a political party or a nonpartisan or judicial nominee may be
26 commenced at any time prior to the primary. An action regarding the bona fides for
27 election to an office as a member of a political organization, political group, or as

1 an independent may be commenced at any time prior to a special or regular
2 election. The motion shall be tried summarily and without delay. Proof may be
3 heard orally, and upon motion of either party shall be officially reported. If the
4 Circuit Judge of the circuit in which the proceeding is filed is disqualified or absent
5 from the county or is herself or himself a candidate, the proceeding may be
6 presented to, heard and determined by the Circuit Judge of any adjoining judicial
7 circuit.

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

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

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

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

25 (1) After the order of the names has been determined as provided in KRS 118.225, the
26 Secretary of State shall certify, to the county clerks of the respective counties
27 entitled to participate in the nomination or election of the respective candidates, the

1 name, place of residence, and party of each candidate or slate of candidates for each
2 office, as specified in the nomination papers or certificates and petitions of
3 nomination filed with him or her, and shall designate the device with which the
4 candidate groups, slates of candidates, or lists of candidates of each party shall be
5 printed, in the order in which they are to appear on the ballot, with precedence to be
6 given to the party that polled the highest number of votes at the preceding election
7 for presidential electors, followed by the political party which received the second
8 highest number of votes, with the order of any other political parties and
9 independents to be determined by lot. **For partisan elections without a primary,**
10 **candidate drawing positions shall be determined by lot, if there is more than one**
11 **(1) candidate for the office sought who is of the same political affiliation.**

12 Candidates for county offices and local state offices shall be listed in the following
13 order: Commonwealth's attorney, circuit clerk, property valuation administrator,
14 county judge/executive, county attorney, county clerk, sheriff, jailer, county
15 commissioner, coroner, justice of the peace, and constable. The names of
16 candidates for President and Vice President shall be certified in lieu of certifying
17 the names of the candidates for presidential electors. The names shall be certified as
18 follows:

- 19 (a) Not later than the second Monday after the filing deadline for the primary as
20 established in KRS 83A.045, 118.165, and 118A.060;
- 21 (b) Not later than the fourth Monday in August, except as provided in paragraph
22 (c) of this subsection; and
- 23 (c) Not later than the Monday after the Friday following the first Tuesday in
24 September preceding a regular election, for those years in which there is an
25 election for President and Vice President of the United States.

- 26 (2) Except as otherwise provided in subsection (3) of this section, all independent
27 candidates or slates of candidates whose nominating petitions are filed with the

1 county clerk or the Secretary of State shall be listed under the title and device
2 designated by them as provided in KRS 118.315, or if none is designated, under the
3 word "independent," and shall be placed on the ballot in a separate column or
4 columns or in a separate line or lines according to the office which they seek. The
5 order in which independent candidates or slates of candidates shall appear on the
6 ballot shall be determined by lot by the county clerk. If the same device is selected
7 by two (2) groups of petitioners, it shall be given to the first selecting it and the
8 county clerk shall permit the other group to select a suitable device. This section
9 shall not apply to candidates for municipal offices which come under subsection (3)
10 of this section.

11 (3) The ballots used at any election in which city officers are to be elected as provided
12 in subsection (2) of this section shall contain the names of candidates for the city
13 offices grouped according to the offices they seek, and the candidates shall be
14 immediately arranged with and designated by the title of office they seek. The order
15 in which the names of the candidates for each office are to be printed on the ballot
16 shall be determined by lot. Each group of candidates for each separate office for
17 which the candidates are to be elected shall be clearly separated from other groups
18 on the ballot and spaced to avoid confusion on the part of the voter.

19 (4) The Secretary of State shall not knowingly certify to the county clerk of any county
20 the name of any candidate or slate of candidates who has not filed the required
21 nomination papers, nor knowingly fail to certify the name of any candidate or slate
22 of candidates who has filed the required nomination papers.

23 (5) If the county clerk determines that the number of certified candidates or slates of
24 candidates cannot be placed on a ballot which can be accommodated by the voting
25 equipment currently in use by the county, he or she shall so notify the State Board
26 of Elections not later than the last Tuesday in February preceding the primary or the
27 last Tuesday in August preceding the regular election. The State Board of Elections

1 shall meet within five (5) days of the notice, review the ballot conditions, and
2 determine whether supplemental paper ballots are necessary for the election. Upon
3 approval of the State Board of Elections, supplemental paper ballots may be used
4 for ~~nonpartisan candidates or~~ slates of candidates for an office or offices and
5 public questions submitted for a yes or no vote. All candidates or slates of
6 candidates for any particular office shall be placed either on the ballot or on the
7 supplemental paper ballot. Supplemental paper ballots may also be used to conduct
8 the voting, in the instance of a small precinct as provided in KRS 117.066.

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

11 ➔Section 14. KRS 118.225 is amended to read as follows:

12 (1) For the purpose of determining the order in which the names of candidates or slates
13 of candidates to be voted for by the electors of the entire state shall be certified and
14 printed on the ballots with the designation of the respective offices, the Secretary of
15 State shall prepare lists of the counties of each congressional district of the state.
16 The Secretary of State shall arrange the surnames of all candidates or slates of
17 candidates for each office in alphabetical order for the First Congressional District,
18 and the names shall be certified in this order to the county clerks of all the counties
19 comprising that district. For each succeeding congressional district, taken in
20 numerical order, the name appearing first for each office in the last preceding
21 district shall be placed last, and the name appearing second in the last preceding
22 district shall be placed first, and each other name shall be moved up one (1) place.
23 The lists shall be certified accordingly.

24 (2) For all other offices for which nomination papers and petitions are filed with the
25 Secretary of State, the order of names of candidates for each office shall be
26 determined by lot at a public drawing to be held in the office of the Secretary of
27 State at 2 p.m., standard time, on the Thursday following the filing deadline for the

1 primary as established in KRS 83A.045, 118.165, and 118A.060 or the Thursday
2 following the first Tuesday after the first Monday in June preceding the regular
3 election.

4 (3) For all offices for which nomination papers and petitions are filed in the office of
5 the county clerk, the order in which the names of candidates for each office are to
6 be printed on the ballot shall be determined by lot at a public drawing in the office
7 of the county clerk at 2 p.m., standard time, on the Thursday following the filing
8 deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060 or
9 the Thursday following the first Tuesday after the first Monday in June preceding
10 the regular election.

11 (4) For all offices for which the deadline for filing nomination papers and petitions is
12 governed by KRS~~[83A.165(4)(c) or]~~ 118.375(2), the order in which the names of
13 candidates for each office are to be printed shall be determined by lot at a public
14 drawing in the office at the place of filing at 2 p.m., standard time, on the Thursday
15 following the second Tuesday in August preceding the regular election.

16 (5) If the number of certified candidates or slates of candidates cannot be placed on a
17 ballot which can be accommodated on voting equipment currently in use in the
18 county, the county clerk shall notify the State Board of Elections, as provided in
19 KRS 118.215.

20 ➔Section 15. KRS 118.305 is amended to read as follows:

21 (1) Except as provided in KRS 118.345, and subject to the provisions of subsections
22 (2), (3), and (4) of this section, the county clerk of each county shall cause to be
23 printed on all ballots, including the absentee ballots, for the regular election the
24 names of the following persons:

25 (a) Candidates of a political party, as defined in KRS 118.015, who have received
26 certificates of nomination at the preceding primary, or certificates of
27 nomination under KRS 118.185, and whose certificates of nomination have

1 been filed with the Secretary of State or the appropriate county clerk;

2 (b) Candidates of a political party, as defined in KRS 118.015, who have been
3 nominated for an unexpired term in a manner determined by the governing
4 authority of the party, as provided in KRS 118.115, and whose evidences of
5 nomination have been filed with the Secretary of State or the appropriate
6 county clerk within the time prescribed in this chapter;

7 (c) Candidates of a political party, as defined in KRS 118.015, who have been
8 nominated by the governing authority of the party to fill a vacancy in the
9 candidacy of a person nominated at the preceding primary, as provided in
10 KRS 118.105, and whose certificates of nomination have been filed with the
11 Secretary of State or the appropriate county clerk, by at least the date provided
12 by the election law generally for such filing;

13 (d) Candidates who have been nominated by a political organization as provided
14 in KRS 118.325 and whose certificates or petitions of nomination have been
15 filed with the Secretary of State or the appropriate county clerk within the
16 time prescribed in this chapter;

17 (e) Independent candidates who have been nominated by petition as provided in
18 KRS 118.315, and whose petitions of nomination have been filed with the
19 Secretary of State or the appropriate county clerk within the time prescribed in
20 this chapter;

21 ~~[(f) Successful nominees of all nonpartisan primaries which shall have been
22 conducted;]~~

23 (f)~~[(g)]~~ Candidates who have filed a petition of candidacy as shall be required to
24 fill a vacancy which shall appear on the ballot;

25 (g)~~[(h)]~~ The county clerk shall determine whether the name of any replacement
26 candidate who has been nominated as provided in KRS 118.105(5) may be
27 placed on the ballot and whether any voting equipment may be reprogrammed

1 to count the votes cast for that candidate, or whether the ballot must be
2 reprinted to accommodate votes cast for any replacement candidate, and shall
3 take the appropriate action to accommodate the replacement of any candidate.
4 If the county clerk determines that the name of any replacement candidate
5 cannot be accommodated on the existing ballot and if there is insufficient time
6 before the election to reprint the entire ballot, the county clerk shall request
7 approval to use supplemental paper ballots for voting for that office only in
8 the same manner as permitted for other situations in KRS 118.215(5), and, if
9 approved, shall have an adequate number of supplemental paper ballots
10 printed for voting for that office and only votes cast for that office by means
11 of the supplemental paper ballots shall be tabulated and recorded by the
12 precinct election officers and county board of elections. All actions by a
13 county clerk, the State Board of Elections, and the Secretary of State which
14 are necessary to provide for voting at a regular election for candidates
15 nominated pursuant to KRS 118.105(5) shall be carried out with all possible
16 speed. When a candidate has been replaced as provided in KRS 118.105(5)
17 after absentee and federal provisional absentee ballots have been printed and
18 distributed for the regular election, neither the precinct election officers nor
19 the county board of elections shall tabulate or record any absentee or federal
20 provisional absentee votes cast for the candidate who was replaced. If ballots
21 are reprinted or supplemental paper ballots are printed, or if voting equipment
22 must be reprogrammed to count the votes cast for a replacement candidate,
23 the costs for the printing and reprogramming shall be paid by the political
24 party who has nominated a replacement candidate, or proportionately by each
25 political party if each party nominates a replacement candidate;

26 ~~(h)(i)~~ Candidates for President and Vice President of the United States, of
27 those political parties and organizations who have nominated presidential

- 1 electors as provided in KRS 118.325, if the certificate of nomination of the
2 electors has been filed with the Secretary of State within the time prescribed
3 in this chapter; ***and***
- 4 ~~(i)(+)~~ Candidates for soil and water district supervisors who have been
5 nominated by petition as provided in KRS 262.210; ~~and~~
- 6 ~~(k) Candidates for city office for which no nonpartisan primary has been~~
7 ~~conducted in a city which requires nonpartisan city elections].~~
- 8 (2) Any candidate for city office who is defeated in a partisan ~~or nonpartisan~~ primary
9 shall be ineligible as a candidate for the same office in the regular election.
- 10 (3) Candidates for members of boards of education shall have their names printed on
11 ballots, including absentee ballots, for the regular election only after filing as
12 provided in KRS 160.220.
- 13 (4) Except as provided in KRS 118.105 and 118.115, ***and except for candidates elected***
14 ***at large without a specific representation of a division or ward, or members of an***
15 ***independent school district,*** no candidate's name shall be printed upon any ballots,
16 including federal provisional ballots, federal provisional absentee ballots, and
17 absentee ballots for any regular election as the nominee of any political party, as
18 defined in KRS 118.015, or under the emblem of any political party, as so defined,
19 except those candidates who have been duly and regularly nominated as nominees
20 of that party at a primary held as provided in this chapter.
- 21 (5) No county clerk shall knowingly cause to be printed, upon the ballots, federal
22 provisional ballots, federal provisional absentee ballots, or absentee ballots for any
23 regular election, the name of any candidate of a political party, as defined in KRS
24 118.015, who has not been nominated in the manner provided in the laws governing
25 primaries or the name of any candidate who is not in compliance with the
26 restrictions concerning party registration and candidacy provided in of KRS
27 118.315(1).

- 1 (6) The names of candidates for President and Vice President shall be certified in lieu
2 of certifying the names of the candidates for presidential electors.
- 3 (7) When a vacancy occurs in an elective office which is required by law to be filled
4 temporarily by appointment, the officer or body designated by law to make the
5 appointment, or in the case of an office to be filled by appointment from a list of
6 nominations, the officer or body designated by law to make the nominations, shall
7 immediately notify in writing both the county clerk and Secretary of State of the
8 vacancy.
- 9 (8) A judge who elected to retire as a Senior Status Special Judge in accordance with
10 KRS 21.580 shall not become a candidate or a nominee for any elected office
11 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
12 number of days served by the judge acting as a Senior Status Special Judge.
- 13 ➔Section 16. KRS 118.315 is amended to read as follows:
- 14 (1) A candidate for any office to be voted for at any regular election may be nominated
15 by a petition of electors qualified to vote for him or her, complying with the
16 provisions of subsection (2) of this section. No person whose registration status is
17 as a registered member of a political party shall be eligible for an~~to~~ election as an
18 independent, or political organization, or political group candidate, nor shall any
19 person be eligible for an~~to~~ election as an independent, or political organization, or
20 political group candidate whose registration status was as a registered member of a
21 political party on January 1 immediately preceding the regular election for which
22 the person seeks to be a candidate.~~[This restriction shall not apply to candidates to~~
23 ~~those offices specified in KRS 118.105(7), for supervisor of a soil and water~~
24 ~~conservation district, for candidates for mayor or legislative body in cities of the~~
25 ~~home rule class, or to candidates participating in nonpartisan elections.]~~
- 26 (2) The form of the petition shall be prescribed by the State Board of Elections. It shall
27 be signed by the candidate and by registered voters from the district or jurisdiction

1 from which the candidate seeks nomination. The petition shall include a
2 declaration, sworn to by the candidate, that he or she possesses all the constitutional
3 and statutory requirements of the office for which the candidate has filed.
4 Signatures for a petition of nomination for a candidate seeking any office,
5 excluding President of the United States in accordance with KRS 118.591(1), shall
6 not be affixed on the document to be filed prior to the first Wednesday after the first
7 Monday in November of the year preceding the year in which the office will appear
8 on the ballot. Signatures for nomination papers shall not be affixed on the document
9 to be filed prior to the first Wednesday after the first Monday in November of the
10 year preceding the year in which the office will appear on the ballot. A petition of
11 nomination for a state officer, or any officer for whom all the electors of the state
12 are entitled to vote, shall contain five thousand (5,000) petitioners; for a
13 representative in Congress from any congressional district, or for any officer from
14 any other district except as herein provided, four hundred (400) petitioners; for a
15 county officer, member of the General Assembly, or Commonwealth's attorney, one
16 hundred (100) petitioners; for a soil and water conservation district supervisor,
17 twenty-five (25) petitioners; for a city officer or board of education member, two
18 (2) petitioners; and for an officer of a division less than a county, except as herein
19 provided, twenty (20) petitioners. It shall not be necessary that the signatures of the
20 petition be appended to one (1) paper. Each petitioner shall include the date he or
21 she affixes the signature, address of residence, and date of birth. Failure of a voter
22 to include the signature affixation date, date of birth, and address of residence shall
23 result in the signature not being counted. If any person joins in nominating, by
24 petition, more than one (1) nominee for any office to be filled, he or she shall be
25 counted as a petitioner for the candidate whose petition is filed first, except a
26 petitioner for the nomination of candidates for soil and water conservation district
27 supervisors may be counted for every petition to which his or her signature is

1 affixed.

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

5 (4) The Secretary of State and county clerks shall examine the petitions of all
6 candidates who file with them to determine whether each petition is regular on its
7 face. If there is an error, the Secretary of State or the county clerk shall notify the
8 candidate by certified mail within twenty-four (24) hours of filing.

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

13 ➔Section 17. KRS 118.365 is amended to read as follows:

14 (1) Certificates of nomination issued by the State Board of Elections shall be filed by
15 that board with the Secretary of State immediately. The certificates issued by the
16 county board of elections shall be filed by that board with the county clerk
17 immediately.

18 (2) **Except for candidates for independent school districts and candidates elected at**
19 **large without a specific representation of a division or ward,** petitions of
20 nomination for candidates for city offices, ~~except as provided in KRS 83A.047,~~
21 ~~for~~ candidates for members of **county** boards of education, and ~~for~~ candidates for
22 supervisors of soil and water conservation districts shall be filed with the county
23 clerk not earlier than the first **Friday following the first Monday in January before**
24 **the day fixed by KRS Chapter 118 for holding a primary for the office** ~~Wednesday~~
25 ~~after the first Monday in November of the year preceding the year in which the~~
26 ~~office will appear on the ballot and not later than the first Tuesday after the first~~
27 ~~Monday in June preceding the day fixed by law for the holding of regular elections~~

- 1 ~~for the offices]~~ sought.
- 2 (3) Candidates for an office, the nomination to which is to be made by a convention
3 pursuant to KRS 118.325(1) and (2), except for the office of electors of President
4 and Vice President of the United States, shall file the statements required by KRS
5 118.325(3), with the official designated in KRS 118.165 with whom notification
6 and declaration are filed for the office, not earlier than the first Wednesday after the
7 first Monday in November of the year preceding the year in which the office will
8 appear on the ballot and not later than the first Tuesday after the first Monday in
9 June preceding the regular election for the office sought.
- 10 (4) Certificates of nomination made by the governing authority of a political party
11 within the meaning of KRS 118.015 or a political organization~~[not constituting a~~
12 ~~political party]~~ within the meaning of KRS 118.015 but whose candidate received
13 two percent (2%) of the vote of the state at the last preceding election for
14 presidential electors to fill vacancies in office, as provided in KRS 118.115 and
15 118.325, shall be filed as required with the Secretary of State or county clerk.
- 16 (5) Except as otherwise provided in this section, petitions of nomination shall be filed
17 as required with the Secretary of State or county clerk not earlier than the first
18 Wednesday after the first Monday in November of the year preceding the year in
19 which the offices will appear on the ballot and not later than the first Tuesday after
20 the first Monday in June preceding the day fixed by law for the holding of regular
21 elections for the offices sought. The filing of petitions of nomination for
22 independent, or political organization, or political group candidates shall not be
23 accepted by the Secretary of State or the county clerk if the candidate has not filed a
24 statement-of-candidacy form as required by KRS 118.367.
- 25 (6) Petitions and certificates of nomination for electors of President and Vice President
26 of the United States shall be filed with the Secretary of State not earlier than the
27 first Wednesday after the first Monday in November of the year preceding the year

1 in which there is an election for President and Vice President of the United States
2 and not later than the Friday following the first Tuesday in September preceding the
3 date fixed by law for the election of the electors.

4 (7) Petitions for recall elections or elections on public questions shall be filed as
5 required with the county clerk not later than the second Tuesday in August
6 preceding the day fixed by law for holding a regular election.

7 (8) Petitions of any kind named in this section, statements, and certificates of
8 nomination shall be filed no later than 4 p.m. local time at the place of filing when
9 filed on the last date on which papers are permitted to be filed.

10 ➔Section 18. KRS 160.042 is amended to read as follows:

11 (1) Upon a merger under the provisions of KRS 160.040 and 160.041 of an
12 independent school district in a city of the first class with a county school district in
13 counties containing a city of the first class, the members of the county board of
14 education of the merged county school district, shall be elected pursuant to KRS
15 160.200 and 160.210.

16 (2) Each member of the respective boards of education at the time of the merger of the
17 districts, may continue to hold office until the expiration of his or her term of office,
18 except as provided in subsection (3) of Section 20 of this Act~~[KRS 160.200(4)]~~; but
19 any vacancy occurring among such members for any reason shall not be filled.

20 ➔Section 19. KRS 160.180 is amended to read as follows:

21 (1) As used in this section, "relative" means father, mother, brother, sister, husband,
22 wife, son, and daughter.

23 (2) No person shall be eligible for membership on a board of education:

24 (a) Unless he or she has attained the age of twenty-four (24) years; and

25 (b) Unless he or she has been a citizen of Kentucky for at least three (3) years
26 preceding his or her election and is a voter of the district for which he or she
27 is elected; and

- 1 (c) Unless he or she has completed at least the twelfth grade or has been issued a
2 High School Equivalency Diploma; and
- 3 (d) Unless an affidavit signed under penalty of perjury certifying completion of
4 the twelfth grade or the equivalent as determined by passage of the twelfth
5 grade equivalency examination held under regulations adopted by the
6 Kentucky Board of Education has been filed with the nominating petition
7 required by KRS 118.315; and
- 8 (e) For a candidate who files a nominating petition as required by Section 17 of
9 this Act and KRS 118.315 on or after April 4, 2018, unless a transcript
10 evidencing completion of the twelfth grade or results of a twelfth grade
11 equivalency examination has been filed with the nominating petition; or
- 12 (f) Who holds any elective federal, state, county, or city office; or
- 13 (g) Who, at the time of his or her election, is directly or indirectly interested in
14 the sale to the board of books, stationery, or any other property, materials,
15 supplies, equipment, or services for which school funds are expended; or
- 16 (h) Who has been removed from membership on a board of education for cause;
17 or
- 18 (i) Who has a relative as defined in subsection (1) of this section employed by
19 the school district and is elected after July 13, 1990. However, this shall not
20 apply to a board member holding office on July 13, 1990, whose relative was
21 not initially hired by the district during the tenure of the board member.
- 22 (3) If, after the election of any member of the board, the member~~he~~ becomes
23 interested in any contract with or claims against the board, of the kind mentioned in
24 paragraph (g) of subsection (2) of this section, or if the member~~he~~ moves ~~his~~
25 residence from the district for which the member~~he~~ was chosen, or if the
26 member~~he~~ attempts to influence the hiring of any school employee, except the
27 superintendent of schools or school board attorney, or if the member~~he~~ does

1 anything that would render the member~~[him]~~ ineligible for reelection, the
2 member~~[he]~~ shall be subject to removal from office pursuant to KRS 415.050 and
3 415.060.

4 (4) A board member shall be eligible for reelection unless the member~~[he]~~ becomes
5 disqualified.

6 (5) The annual in-service training requirements for all school board members in office
7 as of December 31, 2014, shall be as follows:

8 (a) Twelve (12) hours for school board members with zero to three (3) years of
9 experience;

10 (b) Eight (8) hours for school board members with four (4) to seven (7) years of
11 experience; and

12 (c) Four (4) hours for school board members with eight (8) or more years of
13 experience.

14 The Kentucky Board of Education shall identify the criteria for fulfilling this
15 requirement.

16 (6) (a) For all board members who begin their initial service on or after January 1,
17 2015, the annual in-service training requirements shall be twelve (12) hours
18 for school board members with zero to eight (8) years of experience and eight
19 (8) hours for school board members with more than eight (8) years of
20 experience.

21 (b) Training topics for school board members shall include:

22 1. Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of
23 superintendent evaluation annually for members with zero to three (3)
24 years' experience;

25 2. Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of
26 superintendent evaluation annually for members with four (4) to seven
27 (7) years' experience; and

- 1 3. One (1) hour of finance, one (1) hour of ethics, and one (1) hour of
2 superintendent evaluation biennially for members with eight (8) or more
3 years' experience.

4 The Kentucky Board of Education shall identify criteria for fulfilling this
5 requirement.

6 ➔Section 20. KRS 160.200 is amended to read as follows:

- 7 (1) All elections for members of **county and independent** boards of education shall be
8 **partisan and occur** in even~~[-]~~ numbered years, for a term of four (4) years, except
9 as provided in KRS 160.210(5).~~[- Except as provided in subsection (3) of this~~
10 ~~section, the]~~ **For county boards of education, a petition shall be required for the**
11 **nomination of candidates in accordance with Section 17 of this Act**~~[elections shall~~
12 ~~be held at the regular November election].~~ **For independent boards of education,**
13 **candidates shall not participate in a primary, but shall be required to file a**
14 **petition of nomination in accordance with Section 16 of this Act. The order of the**
15 **names of the candidates for independent school districts to appear on the regular**
16 **election ballot shall be determined by lot, if there is more than one (1) candidate**
17 **for the office sought who is the same political affiliation.**
- 18 (2) In each even numbered year, there shall be held an election in every county and
19 independent district to fill the membership of the boards of education for the terms
20 that will expire on the first Monday in January following, and the regularly elected
21 members shall hold office for four (4) years and until their successors are elected
22 and have qualified.
- 23 ~~[(3) Any independent school district embracing a designated city may, at the discretion~~
24 ~~of its board of education, hold its election of board members at its public school~~
25 ~~building on the first Saturday in May. The election shall be held by three (3)~~
26 ~~officers appointed by the board of education and the expenses of the election shall~~
27 ~~be paid from the treasury of the school district. In all other respects the provisions~~

1 ~~of this chapter relating to holding elections for board members shall apply.]~~

2 ~~(3)~~~~(4)~~ In counties containing a city of the first class, wherein a merger pursuant to
3 KRS 160.041 shall have been accomplished, the terms of the members shall be as
4 provided in KRS 160.210(5). Elected members of such boards, excepting those
5 boards of education representing ten percent (10%) or less of the student population
6 of the county serving at the effective date of such a merger shall continue to serve
7 until their term expires, but no appointments shall be made to fill vacancies. The
8 terms of office of members of boards of education representing ten percent (10%)
9 or less of the student population of the county shall expire on the effective date of
10 the merger.

11 ~~(4)~~~~(5)~~ As used in this section, "designated city" means a city classified as a city of
12 the fifth class as of January 1, 2014, under the city classification system in effect
13 prior to January 1, 2015. The Department of Education shall, on or before January
14 1, 2015, create an official registry listing the cities that qualify as a "designated
15 city" under this section and shall publish that registry on its website~~[Web site]~~.

16 ➔Section 21. KRS 160.210 is amended to read as follows:

17 (1) In independent school districts, the members of the school board shall be elected
18 from the district at large. In county school districts, members shall be elected from
19 divisions. **For either type of school district, candidate names with corresponding**
20 **emblems of a political party shall be presented to the voters on the respective**
21 **ballot for the office sought.**

22 (2) The board of education of each county school district shall, not later than July 1,
23 1940, divide its district into five (5) divisions containing integral voting precincts
24 and as equal in population insofar as is practicable. In first dividing the county
25 district into divisions the board shall, if more than one (1) of its members reside in
26 one (1) division, determine by lot which member from that division shall represent
27 that division, and which members shall represent the divisions in which no member

1 resides. The members so determined to represent divisions in which no member
2 resides shall be considered the members from those divisions until their terms
3 expire, and thereafter the members from those divisions shall be nominated and
4 elected as provided in KRS 160.200 and 160.220 to 160.240~~[160.250]~~.

5 (3) Any changes made in division boundary lines shall be to make divisions as equal in
6 population and containing integral voting precincts insofar as is practical. No
7 change may be made in division boundary lines less than five (5) years after the last
8 change in any division lines, except in case of merger of districts, a change in
9 territory due to annexation, or to allow compliance with KRS 117.055(2).

10 (4) (a) Notwithstanding the provisions of subsection (3) of this section, if one
11 hundred (100) residents of a county school district division petition the
12 Kentucky Board of Education stating that the school district divisions are not
13 divided as nearly equal in population as can reasonably be expected, the chief
14 state school officer shall cause an investigation to determine the validity of the
15 petition, the investigation to be completed within thirty (30) days after receipt
16 of the petition.

17 (b) If the investigation reveals the school district to be unequally divided
18 according to population, the Kentucky Board of Education, upon the
19 recommendation of the chief state school officer, shall order the local board of
20 education to make changes in school district divisions as are necessary to
21 equalize population within the five (5) school divisions.

22 (c) If any board fails to comply with the order of the Kentucky Board of
23 Education within thirty (30) days or prior to August 1 in any year in which
24 any members of the board are to be elected, members shall be elected from
25 the district at large until the order of the Kentucky Board of Education has
26 been complied with.

27 (d) No change shall be made in the boundary of any division under the provisions

1 of this subsection after August 1 in the year in which a member of the school
2 board is to be elected from any division.

3 (5) Notwithstanding the provisions of subsection (2) of this section, in counties
4 containing a city of the first class wherein a merger pursuant to KRS 160.041 shall
5 have been accomplished, there shall be seven (7) divisions as equal in population as
6 is practicable, with members elected from divisions. To be eligible to be elected
7 from a division, a candidate must reside in that division. The divisions, based upon
8 1970 United States Census Bureau Reports on total population by census tracts for
9 Jefferson County, Kentucky shall be as follows: Division One shall include census
10 tracts 1-28; Division Two shall include census tracts 29-35, 47-53, 57-74, 80-84,
11 93, 129, 130; Division Three shall include census tracts 75-79, 85-88, 98-106,
12 107.01, 108; Division Four shall include census tracts 121.01, 123-128; Division
13 Five shall include census tracts 36-46, 56, 90, 120, 121.02, 122; Division Six shall
14 include census tracts 54, 55, 91, 92, 94, 95, 110.02, 113, 114, 117.01, 117.02, 118,
15 119; Division Seven shall include census tracts 89, 96, 97, 107.02, 109, 110.01,
16 111, 112, 115, 116, 117.03, 131, 132. The terms of the members to be elected, KRS
17 160.044 notwithstanding, shall be four (4) years and the election for the initial four
18 (4) year terms shall be as follows: The election of the members from Divisions
19 Two, Four and Seven shall be held at the next regular November election following
20 the effective date of the merger pursuant to KRS 160.041, and the election of the
21 members from Divisions One, Three, Five and Six shall be held at the regular
22 November election two (2) years thereafter.

23 (6) In counties containing cities of the first class, responsibility for the establishment or
24 the changing of school board division boundaries shall be with the local board of
25 education, subject to the review and approval of the county board of elections.
26 Where division and census tract boundaries do not coincide with existing election
27 precinct boundaries, school board divisions shall be redrawn to comply with

1 precinct boundaries. In no instance shall precinct boundaries be redrawn nor shall a
 2 precinct be divided to accommodate the drawing of school board division lines.
 3 Precinct boundaries nearest existing school board division boundaries shall become
 4 the new division boundary. All changes under this statute shall be completed on or
 5 before January 1, 1979, and on or before January 1 in any succeeding year in which
 6 a member of the school board is to be elected from any division. A record of all
 7 changes in division lines shall be kept in the offices of the county board of
 8 education and the county board of elections. The board of education shall publish
 9 all changes pursuant to KRS Chapter 424. A copy of the newspaper in which the
 10 notice is published shall be filed with the chief state school officer within ten (10)
 11 days following its publication.

12 ➔Section 22. KRS 160.220 is amended to read as follows:

13 All elections for members of boards of education shall be by secret vote. The county
 14 clerk shall cause to be prepared for presentation to the voters the names of legally eligible
 15 candidates who have filed a petition as provided in Section 17 of this Act and KRS
 16 118.315.

17 ➔Section 23. KRS 160.230 is amended to read as follows:

18 The names and party emblems of candidates for members of the county and
 19 independent school board~~[candidate names]~~ shall be presented to the voters in the form
 20 prescribed by the general election law, with~~[except that no party emblem or~~
 21 ~~distinguishing mark shall be used, save]~~ the words "School Candidates." The order in
 22 which the names of the candidates are to appear shall be determined by lot. As many
 23 additional spaces shall be left blank as there are members to be elected from the district
 24 or division as the case may be.

25 ➔Section 24. KRS 160.990 is amended to read as follows:

26 (1) ~~[Any person who violates any of the provisions of KRS 160.250 shall be fined not~~
 27 ~~more than two hundred dollars (\$200)].~~

1 ~~(2)~~ Any person who violates any of the provisions of KRS 160.300 shall be fined not
2 less than ten (\$10) nor more than fifty dollars (\$50).

3 ~~(2)~~~~(3)~~ Any superintendent who violates any of the provisions of KRS 160.350 to
4 160.400 shall be fined not less than one hundred (\$100) nor more than one thousand
5 dollars (\$1,000) for each offense, and the violation is grounds for revocation of his
6 or her certificate.

7 ~~(3)~~~~(4)~~ Any person who violates any of the provisions of KRS 160.550 shall be fined
8 not less than fifty (\$50) nor more than one hundred dollars (\$100), and shall be
9 subject to removal from office.

10 ~~(4)~~~~(5)~~ The Kentucky Board of Education may withhold funds allotted under KRS
11 157.350 from any local district which violates KRS 160.380(5) in the amount of
12 one thousand dollars (\$1,000) per violation.

13 ~~(5)~~~~(6)~~ In addition to penalties listed in this section, any local district which violates
14 KRS 160.380(5) shall be fined not less than five hundred dollars (\$500) nor more
15 than one thousand dollars (\$1,000).

16 ➔Section 25. KRS 262.210 is amended to read as follows:

17 Nominating petitions shall be filed with the clerk of the county in which the district lies
18 to nominate candidates for supervisors of the district. Such petitions shall be filed in
19 accordance with Section 17 of this Act~~by at least the last date prescribed by the election~~
20 ~~law generally for filing certificates of nomination prior to a general election. Such~~
21 ~~petitions shall be filed no later than 4 p.m. local time at the place of filing when filed on~~
22 ~~the last date on which such papers are permitted to be filed~~. Each nominating petition
23 shall be subscribed by twenty-five (25) or more qualified voters who are residents of the
24 territory to be encompassed by the district. ~~Resident qualified voters may join in~~
25 ~~nominating by petition more than one (1) candidate for supervisor.~~ The nominating
26 petition shall state the residence and post office address of each candidate, that the
27 candidate~~he~~ is legally qualified to hold the office, and that the subscribers desire, and

1 are legally qualified, to vote for the candidate. *The county clerk shall examine the*
2 *petition of each candidate to determine whether it is regular on its face. If there is an*
3 *error, the county clerk shall notify the candidate by certified mail within twenty-four*
4 *(24) hours of filing.* The county clerk shall certify the nomination and election of
5 supervisors to the commission.

6 →Section 26. KRS 262.220 is amended to read as follows:

7 The county clerk shall cause the names, *with corresponding emblems of political party*
8 *affiliation,* of all nominees on behalf of whom nominating petitions have been filed under
9 KRS 262.210 to be prepared for presentation to the voters~~[in the regular elections]~~ as
10 provided in KRS 117.145. In counties encompassing more than one (1) soil and water
11 conservation district, where portions of more than one (1) district are within the
12 boundaries of a single voting precinct, separate votes shall be taken for the election of
13 supervisors. The election of soil and water conservation district supervisors shall be
14 subject to the provisions of KRS Chapter 118 for the conduct of *primaries and* regular
15 elections, except that the cost of placing the names of the nominees before the voters
16 shall be borne by the commission.

17 →Section 27. KRS 262.240 is amended to read as follows:

18 (1) A supervisor's term begins on January 1 following his *or her* election. The two (2)
19 supervisors elected in the general election of 1974 shall be elected for a term of two
20 (2) years. In 1976 a general election shall be conducted for seven (7) supervisors.
21 The four (4) supervisors elected with the highest number of votes in the general
22 election of 1976 shall serve for four (4) years; the other three (3) supervisors elected
23 in 1976 shall serve for two (2) years. In the event only seven (7) nominating
24 petitions for supervisors are filed, the commission shall declare the nominees
25 elected without an election, and shall name four (4) of the nominees to serve terms
26 of four (4) years, and three (3) to serve terms of two (2) years. Thereafter
27 supervisors shall be elected for four (4) years as their terms expire.~~[Nominating~~

1 ~~petitions for supervisors shall be filed with the county clerk not later than the last~~
2 ~~date prescribed by the election law generally for filing certificates and petitions of~~
3 ~~nomination. No such nominating petition shall be accepted by the clerk unless it is~~
4 ~~signed by twenty five (25) or more qualified resident voters of the district.~~
5 ~~Qualified resident voters may sign more than one (1) nominating petition to~~
6 ~~nominate more than one (1) candidate for supervisor. In the event nominating~~
7 ~~petitions for only the number of supervisors to be elected are filed, the commission~~
8 ~~shall declare the nominees elected without holding an election. The county clerk~~
9 ~~shall examine the petition of each candidate to determine whether it is regular on its~~
10 ~~face. If there is an error, the county clerk shall notify the candidate by certified~~
11 ~~mail within twenty four (24) hours of filing. }~~

12 (2) A supervisor shall hold office until his or her successor has been elected and has
13 qualified. Vacancies shall be filled for the unexpired term by appointment by the
14 commission.

15 (3) A supervisor may be reimbursed for expenses necessarily incurred in the discharge
16 of his or her duties and may be paid a per diem for attending meetings or otherwise
17 discharging the obligations of his or her office.

18 (4) A supervisor shall be a resident of the county or district in which he or she serves
19 as a supervisor, and upon moving from the county or district, the supervisor shall be
20 ineligible to serve as a supervisor and his or her office shall be vacant.

21 (5) A supervisor~~[who has been declared elected without an election pursuant to~~
22 ~~subsection (1) of this section]~~ may be removed from office by the commission in
23 the same manner as provided by KRS 65.007 for removal of an appointed member
24 of the governing body of a special district.

25 ➔Section 28. The following KRS sections are repealed:

26 83A.047 KRS 83A.045 provisions apply when city boundaries extend beyond single
27 county -- Exception -- Certification of vote totals.

- 1 83A.050 General election laws to govern election of city officers unless changed by
- 2 ordinance.
- 3 83A.170 Nonpartisan primaries.
- 4 83A.175 Filling vacancy in city office or in candidacy for city office.
- 5 160.250 Politics of candidate not to be indicated -- Definition of election booth.
- 6 160.260 Number of candidates to be voted for.