

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 83A.170 is amended to read as follows:

- 4 (1) In any city which has under the provisions of KRS 83A.045 or 83A.050 required  
5 nonpartisan city elections, no person shall be elected to city office except as  
6 provided in this section or as otherwise provided in this chapter relating to  
7 nonpartisan elections.
- 8 (2) No person shall be elected to city office without being nominated in the manner  
9 provided in this section at a nonpartisan primary to be held at the time prescribed by  
10 KRS Chapters 116 to 121, except as otherwise provided in this chapter. Nonpartisan  
11 primaries shall be conducted by the same officers, chosen and acting in the same  
12 manner, with the same rights and duties as in regular elections.
- 13 (3) Each applicant for nomination shall, not earlier than the first Wednesday after the  
14 first Monday in November of the year preceding the year in which the office will  
15 appear on the ballot and not later than the last date prescribed by the election law  
16 generally for filing notification and declaration forms with the county clerk as  
17 provided in KRS 83A.045 and 83A.047, file a petition of nomination, which shall  
18 be in the form prescribed by the State Board of Elections signed by at least two (2)  
19 registered voters in the city. Each voter may sign individual petitions equal to the  
20 number of offices to be filled. If a voter signs petitions for more candidates than he  
21 or she is authorized, he or she shall be counted as a petitioner for the candidate  
22 whose petition is filed first.
- 23 (4) The county clerk shall examine the petition of each candidate to determine whether  
24 it is regular on its face. If there is an error, the county clerk shall notify the  
25 candidate by certified mail within twenty-four (24) hours of filing.
- 26 (5) Immediately upon expiration of the time for filing petitions, the county clerk shall  
27 have published in accordance with KRS Chapter 424 the names of the applicants as

1           they will appear before the voters at the primary.

2       (6) Subsection (5) of this section shall not apply if it appears, immediately upon  
3       expiration of the time for filing petitions, that there are not more than two (2)  
4       applicants for nomination for each city office to be filled, or, when the nominations  
5       are for city legislative body members in cities electing legislative body members at  
6       large, and there are no more than twice the number of applicants for nomination for  
7       the number of offices to be filled. In that case, the applicants for nomination shall  
8       thereby be nominated and no drawing for ballot position nor primary election shall  
9       be held for that office.

10      (7) The ballot position of a candidate shall not be changed after the ballot position has  
11      been designated by the county clerk.

12      (8) If, before the time of certification of candidates who will appear on the ballot, any  
13      candidate whose petition has been filed in the office of the county clerk dies or  
14      notifies the clerk in writing, signed and properly notarized, that he or she will not  
15      accept the nomination, the clerk shall not cause the candidate's name to be printed  
16      on the ballot.

17      (9) If, after the certification of candidates who will appear on the ballot, any candidate  
18      whose name appears thereon shall withdraw pursuant to KRS 118.212 or die:

19           (a) Neither the precinct election officers nor the county board of elections shall  
20           tabulate or record the votes cast for the candidate;

21           (b) The county clerk shall provide notices to the precinct election officers who  
22           shall see that a notice is conspicuously displayed at the polling place advising  
23           voters of the change, and that votes for the candidate shall not be tabulated or  
24           recorded. If the county clerk learns of the death or withdrawal at least five (5)  
25           days prior to the election and provides the notices required by this subsection  
26           and the precinct officers fail to post the notices at the polling place, the  
27           officers shall be guilty of a violation; and

- 1 (c) In a primary, if there are only one (1) or two (2) remaining candidates on the  
2 ballot for that office, following the withdrawal or death of the other candidate  
3 or candidates, neither the precinct election officers nor the county board of  
4 elections shall tabulate or record the votes for the remaining candidate or  
5 candidates, and the officer with whom the remaining candidate or candidates  
6 has filed his or her nomination papers shall immediately issue and file in his  
7 or her office a certificate of nomination for that remaining candidate or  
8 candidates and send a copy to the remaining candidate or candidates.
- 9 (10) Names of applicants for each nomination shall be placed before the voters of the  
10 city. The voters shall be instructed to vote for one (1) candidate, except when there  
11 is more than one (1) candidate for which voters may vote, the instruction "vote for  
12 up to .... candidates" shall be used on the ballot. No party designation or emblem of  
13 any kind nor any sign indicating any applicant's political belief or party affiliation  
14 shall be used.
- 15 (11) Persons qualified to vote at a regular election shall be qualified to vote at a  
16 nonpartisan primary and the law applicable to challenges made at a regular election  
17 shall be applicable to challenges made at a nonpartisan primary.
- 18 (12) Votes shall be counted as provided in general election laws, pursuant to KRS  
19 Chapters 116 to 121, and the result shall be published as provided in KRS Chapter  
20 424.
- 21 (13) The two (2) applicants receiving the highest number of votes for nomination for  
22 each city office shall be nominated; or where the nominations are for city legislative  
23 body members in cities electing legislative body members at large, there shall be  
24 nominated the number of applicants receiving the highest number of votes equal to  
25 twice the number of offices to be filled. If two (2) candidates are tied for the second  
26 highest number of votes in a mayoral election, the names of those two (2)  
27 candidates, plus the name of the candidate receiving the highest number of votes,

1 shall be placed upon the ballot.

2 (14) At the regular election following a nonpartisan primary, the names of the successful  
3 nominees and candidates who have filed a petition of candidacy as provided in this  
4 chapter to fill a vacancy shall be placed before the voters.

5 (15) The nominee or candidate receiving the greater number of votes cast for each city  
6 office shall be elected.

7 (16) KRS Chapters 116 to 121 prescribing duties of county clerks and other public  
8 officers in the conduct of elections shall be applicable in all respects to nonpartisan  
9 city elections, except no election officer or other person within a polling place shall  
10 tell or indicate to a voter, by word of mouth or otherwise, the political affiliation of  
11 any candidate for city office.

12 ➔Section 2. KRS 83A.175 is amended to read as follows:

13 (1) The election to fill the regular term of a nonpartisan city office shall be conducted in  
14 the manner prescribed in KRS 83A.165 when, in a regular election for nonpartisan  
15 city office no candidates nominated to an office as provided in KRS 83A.170 are  
16 available due to death, incapacity, or withdrawal, or when city legislative body  
17 members are to be elected at large and there are fewer nominees than there are  
18 offices to be filled, or when a city has eliminated the primary pursuant to KRS  
19 83A.045.

20 (2) Each candidate shall, not earlier than the first Wednesday after the first Monday in  
21 November of the year before the year in which the office will appear on the ballot  
22 and not later than the last date prescribed by the election law generally for filing  
23 petitions of nomination with the county clerk as provided in KRS 83A.045 and  
24 83A.047, file a petition for candidacy. The petition shall be prescribed by the State  
25 Board of Elections and shall be signed by at least two (2) registered voters in the  
26 city. Each voter may sign individual petitions equal to the number of offices to be  
27 filled. If a voter signs petitions for more candidates than he or she is authorized, he

1 or she shall be counted as a petitioner for the candidate whose petition is filed first.

2 (3) The county clerk shall examine the petition of each candidate to determine whether  
3 it is regular on its face. If there is an error, the county clerk shall notify the  
4 candidate by certified mail within twenty-four (24) hours of filing.

5 (4) The ballot position of a candidate shall not be changed after the ballot position has  
6 been designated by the county clerk.

7 (5) If, before the certification of candidates who will appear on the ballot, any candidate  
8 whose petition has been filed in the office of the county clerk, dies or notifies the  
9 clerk in writing, signed and properly notarized, that he or she will not accept the  
10 election, the clerk shall not cause his or her name to be printed on the ballot.

11 (6) If, after the certification of candidates who will appear on the ballot, any candidate  
12 whose name appears thereon shall withdraw pursuant to KRS 118.212 or die:

13 (a) Neither the precinct election officers nor the county board of elections shall  
14 tabulate or record the votes cast for the candidate;

15 (b) The county clerk shall provide notices to the precinct election officers who  
16 shall see that a notice is conspicuously displayed at the polling place advising  
17 voters of the change, and that votes for the candidate shall not be tabulated or  
18 recorded. If the county clerk learns of the death or withdrawal at least five (5)  
19 days prior to the election and provides the notices required by this subsection  
20 and the precinct officers fail to post the notices at the polling place, the  
21 officers shall be guilty of a violation;

22 (c) If there is only one (1) remaining candidate on the ballot for that office in a  
23 primary, following the withdrawal or death of the other candidate or  
24 candidates, neither the precinct election officers nor the county board of  
25 elections shall tabulate or record the votes for the remaining candidate, and  
26 the officer with whom the remaining candidate has filed his or her nomination  
27 papers shall immediately issue and file in his or her office a certificate of

1 nomination for that remaining candidate and send a copy to the remaining  
2 candidate.