

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 83A.045 is amended to read as follows:

4 (1) Except as provided in KRS 83A.047, partisan elections of city officers shall be
5 governed by the following provisions, regardless of the form of government or
6 classification of the city:

7 (a) A candidate for party nomination to city office shall file his or her nomination
8 papers with the county clerk of the county not earlier than the first Wednesday
9 after the first Monday in November of the year preceding the year in which
10 the office will appear on the ballot and not later than the last Tuesday~~[first~~
11 ~~Friday following the first Monday]~~ in January before the day fixed by KRS
12 Chapter 118 for holding a primary for the office sought. Signatures for
13 nomination papers shall not be affixed on the document to be filed prior to the
14 first Wednesday after the first Monday in November of the year preceding the
15 year in which the office will appear on the ballot. All nomination papers shall
16 be filed no later than 4 p.m. local time when filed on the last day on which the
17 papers are permitted to be filed;

18 (b) An independent candidate for nomination to city office shall not participate in
19 a primary, but shall file his or her nomination papers with the county clerk of
20 the county not earlier than the first Wednesday after the first Monday in
21 November of the year preceding the year in which the office will appear on
22 the ballot and not later than the first Tuesday after the first Monday in June
23 before the day fixed by KRS Chapter 118 for holding a regular election for the
24 office. Signatures for nomination papers shall not be affixed on the document
25 to be filed prior to the first Wednesday after the first Monday in November of
26 the year preceding the year in which the office will appear on the ballot. All
27 nomination papers shall be filed no later than 4 p.m. local time when filed on

1 the last day on which the papers are permitted to be filed; and
2 (c) A candidate for city office who is defeated in a partisan primary shall be
3 ineligible as a candidate for the same office in the regular election. However,
4 if a vacancy occurs in the party nomination for which he or she was an
5 unsuccessful candidate in the primary, his or her name may be placed on the
6 ballot for the regular election as a candidate of that party if he or she has been
7 duly made the party nominee after the vacancy occurs, as provided in KRS
8 118.105.

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

12 (a) A candidate for city office shall file his or her nomination papers with the
13 county clerk of the county not earlier than the first Wednesday after the first
14 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 Tuesday~~first Friday following~~
16 ~~the first Monday~~ in January before the day fixed by KRS Chapter 118 for
17 holding a primary for nominations for the office. Signatures for nomination
18 papers shall not be affixed on the document to be filed prior to the first
19 Wednesday after the first Monday in November of the year preceding the year
20 in which the office will appear on the ballot. All nomination papers shall be
21 filed no later than 4 p.m. local time when filed on the last day on which the
22 papers are permitted to be filed;

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

26 1. A city may forgo conducting a nonpartisan primary for the nomination
27 of candidates to city office, regardless of the number of candidates

1 running for each office, and require all candidates to file their
2 nomination papers with the county clerk of the county not earlier than
3 the first Wednesday after the first Monday in November of the year
4 preceding the year in which the office will appear on the ballot and not
5 later than the first Tuesday after the first Monday in June before the day
6 fixed by KRS Chapter 118 for holding a regular election for the office.
7 Signatures for nomination papers shall not be affixed on the document
8 to be filed prior to the first Wednesday after the first Monday in
9 November of the year preceding the year in which the office will appear
10 on the ballot;

- 11 2. All nomination papers shall be filed no later than 4 p.m. local time when
12 filed on the last day on which the papers are permitted to be filed;
- 13 3. If a city does not conduct a primary pursuant to this subsection, the
14 election of candidates to city office shall be governed by the provisions
15 of this subsection, KRS 83A.175(2) to (6), and KRS Chapters 116 to
16 121;
- 17 4. In the absence of a primary pursuant to this subsection, the number of
18 candidates equal to the number of city offices to be filled who receive
19 the highest number of votes cast in the regular election for each city
20 office shall be elected;
- 21 5. Candidates shall be subject to all other applicable election laws pursuant
22 to this chapter and KRS Chapters 116 to 121;
- 23 6. If a vacancy occurs in a candidacy for city office in any city which has
24 not held a primary pursuant to this subsection after the expiration of
25 time for filing nomination papers, or if there are fewer candidates than
26 there are offices to be filled, the vacancy in candidacy shall be filled by
27 write-in voting; and

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

5 (c) A candidate for city office who is defeated in a nonpartisan primary shall be
6 ineligible as a candidate for the same office in the regular election.

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

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

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

27 (3) The Secretary of State or the county clerk shall examine the notification and

1 declaration form of each candidate to determine whether it is regular on its face. If
2 there is an error, the proper officer shall notify the candidate by certified mail
3 within twenty-four (24) hours of filing.

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

8 ➔Section 3. KRS 118A.060 is amended to read as follows:

9 (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot,
10 including an absentee ballot, for an office of the Court of Justice without first
11 having been nominated as provided in this section.

12 (2) Each candidate for nomination shall file a petition for nomination with the
13 Secretary of State not earlier than the first Wednesday after the first Monday in
14 November of the year preceding the year in which the office will appear on the
15 ballot and not later than the last Tuesday~~first Friday following the first Monday~~ in
16 January preceding the day fixed by law for holding the primary for the office. The
17 petition shall be sworn to before an officer authorized to administer an oath by the
18 candidate and by not less than two (2) registered voters from the district or circuit
19 from which he or she seeks nomination. Signatures for nomination papers shall not
20 be affixed on the document to be filed prior to the first Wednesday after the first
21 Monday in November of the year preceding the year in which the office will appear
22 on the ballot. The petition shall be filed no later than 4 p.m. local time at the place
23 of filing when filed on the last date on which the papers are permitted to be filed.

24 (3) The petition for nomination shall be in the form prescribed by the State Board of
25 Elections. The petition shall include a declaration sworn to by the candidate, that he
26 or she possesses all the constitutional and statutory requirements of the office for
27 which the candidate has filed. Titles, ranks, or spurious phrases shall not be

1 accepted on the petition and shall not be printed on the ballots as part of the
2 candidate's name; however, nicknames, initials, and contractions of given names
3 may be acceptable as the candidate's name.

4 (4) The Secretary of State shall examine the petition of each candidate to determine
5 whether it is regular on its face. If there is an error, the Secretary of State shall
6 notify the candidate by certified mail within twenty-four (24) hours of filing. The
7 order of names on the ballot for each district or circuit, and numbered division if
8 divisions exist, shall be determined by lot at a public drawing to be held in the
9 office of the Secretary of State at 2 p.m., standard time, on the Thursday following
10 the filing deadline for the primary as established in this section and in KRS
11 83A.045 and 118.165.

12 (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and
13 after the order of names on the ballot has been determined as required in subsection
14 (4) of this section, the Secretary of State shall:

15 (a) Certify to the county clerks of the respective counties entitled to participate in
16 the election of the various candidates, the name and place of residence of each
17 candidate for each office, by district or circuit, and numbered division if
18 divisions exist, as specified in the petitions for nomination filed with him or
19 her; and

20 (b) Designate for the county clerks the office of the Court of Justice with which
21 the names of candidates shall be printed and the order in which they are to
22 appear on the ballot.

23 (6) The ballot position of a candidate shall not be changed after the ballot position has
24 been designated by the Secretary of State.

25 (7) The county clerks of each county shall cause to be printed on the ballots for the
26 primary the names of the candidates for offices in the Court of Justice.

27 (8) The names of the candidates shall be placed on the ballots in a separate column or

1 columns or in a separate line or lines and identified by the words "Judicial Ballot."
2 The words "Vote for one," or "Vote for one in each division," shall be printed on
3 the ballot in an appropriate location. The office, numbered division if divisions
4 exist, and the candidates shall be clearly labeled. No party designation or emblem
5 of any kind, nor any sign indicating any candidate's political belief or party
6 affiliation, shall be used on the ballots.

7 (9) The two (2) candidates receiving the highest number of votes for nomination for
8 justice or judge of a district or circuit, or numbered division if divisions exist, shall
9 be nominated. Certificates of nomination shall be issued as provided in KRS
10 118A.190.

11 (10) If it appears after expiration of the time for filing petitions for nomination that there
12 are not more than two (2) candidates who have filed the necessary petitions for a
13 place on the ballot in the regular election, no drawing for ballot position shall be
14 held and the Secretary of State shall immediately issue and file in the Secretary's
15 office certificates of nomination, and send copies to the candidates.

16 ➔Section 4. KRS 118.581 is amended to read as follows:

17 The State Board of Elections shall convene in Frankfort on the ~~second~~^{third} Tuesday in
18 ~~January~~^{December} preceding a presidential preference primary. At the meeting required
19 by this section, the board shall nominate as presidential preference primary candidates all
20 those candidates of the political parties for the office of President of the United States
21 who have qualified for matching federal campaign funds. Immediately upon completion
22 of this requirement, the board shall transmit a list of all the nominees selected to the
23 Secretary of State and shall also release the list to the news media.

24 ➔Section 5. KRS 118.591 is amended to read as follows:

25 (1) Any person seeking the endorsement by a political party for the office of President
26 of the United States, or any group organized in this state on behalf of, and with the
27 consent of, the person, may file with the Secretary of State certified petitions signed

- 1 by five thousand (5,000) persons who, at the time they sign, are registered and
2 qualified voters in the Commonwealth and are affiliated, by registration, with the
3 same political party as the candidate for whom petitions are filed.
- 4 (2) The petitions shall be filed by the petitioners with the Secretary of State no later
5 than the last Tuesday~~[first Friday following the first Monday]~~ in January preceding
6 a presidential preference primary.
- 7 (3) The petitions shall state:
- 8 (a) The name of the candidate for nomination and the party of which the
9 candidate is a member; and
- 10 (b) The name and address of the chair of the group circulating such petition.
- 11 (4) The Secretary of State shall determine the sufficiency of petitions filed with him or
12 her and shall immediately communicate his or her determination to the chair of the
13 group which has filed the petitions.
- 14 (5) In lieu of the petition requirements of subsections (1) to (4) of this section, a
15 candidate may qualify to appear on the presidential preference primary ballot of the
16 candidate's political party by filing with the Secretary of State, no later than the last
17 Tuesday~~[first Friday following the first Monday]~~ in January preceding a
18 presidential preference primary, a notice of candidacy signed by the candidate and
19 either of the following:
- 20 (a) A certification by the Federal Election Commission that, by the filing
21 deadline, the candidate has qualified for matching federal campaign funds; or
- 22 (b) Evidence that, by the filing deadline, the candidate's name is qualified to
23 appear on the presidential preference primary ballot of the candidate's
24 political party in at least twenty (20) other states.
- 25 (6) The Secretary of State shall determine the sufficiency of the documentation
26 provided pursuant to subsection (5) of this section and shall immediately
27 communicate his or her determination to the candidate or the

1 *candidate's*~~[candidates's]~~ agent.

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

- 3 (1) A candidate running to fill the unexpired term of any city office shall file his or her
4 nomination papers in accordance with the provisions of KRS 83A.045, 118.365,
5 118.375, and 83A.047.
- 6 (2) Vacancies in the office of mayor or city legislative body that are to be filled
7 temporarily by appointment shall be governed by the provisions of KRS 83A.040
8 and Section 152 of the Kentucky Constitution.
- 9 (3) Vacancies in the office of mayor or city legislative body that are to be filled by
10 partisan election shall be governed by the following provisions:
- 11 (a) Vacancies in candidacy shall be governed by KRS 118.105;
- 12 (b) Nominations for unexpired terms shall be governed by KRS 118.115 and
13 Section 152 of the Kentucky Constitution; and
- 14 (c) Independent candidates filing to fill a vacancy shall be governed by KRS
15 118.375.
- 16 (4) Vacancies in the office of mayor or city legislative body that are to be filled by
17 nonpartisan election shall be governed by the following provisions:
- 18 (a) If the vacancy occurs not less than one hundred *thirty-four (134)*~~[sixty (160)]~~
19 days before a May primary, candidates to fill the vacancy shall be nominated
20 at that primary in the manner prescribed in KRS 83A.170;
- 21 (b) If the vacancy occurs on or after the one hundred *thirty-fourth*~~[sixtieth]~~ day
22 before a May primary or at any time before the time prescribed in KRS
23 118.365 for filing petitions of nomination, the election to fill the unexpired
24 term shall be held without a primary in the manner prescribed in Section 152
25 of the Kentucky Constitution. Petitions of nomination for candidates to fill the
26 vacancy shall be filed at the time and place prescribed in KRS 118.365;
- 27 (c) If the vacancy occurs after the time prescribed in KRS 118.365 for filing

1 petitions of nomination, but not less than three (3) months before the regular
2 election, petitions of nomination for candidates to fill the vacancy shall be
3 filed not later than the second Tuesday in August preceding the regular
4 election for the office sought; and

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

8 ➔Section 7. KRS 118.115 is amended to read as follows:

9 (1) Except as provided in KRS 83A.045(2)(b) governing vacancies in candidacy,
10 candidates for unexpired terms to be filled at a regular election shall be nominated
11 at the primary next preceding the regular election, if the vacancy occurred not less
12 than one hundred ***thirty-four (134)***~~[sixty (160)]~~ days before the primary.

13 (2) If the vacancy occurred less than one hundred ***thirty-four (134)***~~[sixty (160)]~~ days
14 before the primary, the nomination shall be made in a manner determined by the
15 governing authority of the political party concerned as defined in KRS 118.015.
16 Certificates of nomination shall be filed as required with the Secretary of State or
17 county clerk not later than the first Tuesday after the first Monday in June
18 preceding the day fixed by law for the election.

19 (3) If the vacancy occurs after the first Tuesday after the first Monday in June
20 preceding the day fixed by law for the election, but not less than three (3) months
21 before the regular election, the nomination shall be made in a manner determined
22 by the governing authority of the political party concerned as defined in KRS
23 118.015. Certificates of nomination shall be filed as required with the Secretary of
24 State or county clerk not later than the second Tuesday in August preceding the
25 regular election sought.

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

1 (5) In the preparation of ballots, candidates for full terms shall be grouped together, and
2 candidates for unexpired terms shall be grouped together, under appropriate
3 headings, so that the voter may easily distinguish the candidates for full terms from
4 the candidates for unexpired terms.

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

9 ➔Section 8. KRS 118.375 is amended to read as follows:

10 (1) If a vacancy occurs in any elective office less than one hundred *thirty-four*
11 *(134)*~~[sixty (160)]~~ days before the primary or at any time before the time prescribed
12 in KRS 118.365 for filing petitions of nomination, independent, or political
13 organization, or political group candidates may file their petitions at the time and
14 place provided in KRS 118.365, subject to the restrictions concerning party
15 registration and candidacy provided in KRS 118.315(1).

16 (2) If a vacancy occurs in any elective office after the time prescribed in KRS 118.365
17 for filing petitions of nomination, but not less than three (3) months before the
18 regular election, independent, or political organization, or political group candidates
19 may file their petitions not later than the second Tuesday in August preceding the
20 regular election for the office sought, subject to the restrictions concerning party
21 registration and candidacy provided in KRS 118.315(1).

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

26 ➔Section 9. KRS 118A.100 is amended to read as follows:

27 (1) Candidates for an unexpired term of a judicial office to be filled at a regular

1 election shall be nominated at the primary next preceding the regular election in the
2 manner prescribed in KRS 118A.060 if the vacancy occurs not later than the second
3 Tuesday~~Friday~~ in January~~December~~ preceding the primary. If the vacancy
4 occurs on or after that date, the election to fill the unexpired term shall be held in
5 accordance with the procedures described in this section and Section 152 of the
6 Constitution of Kentucky.

7 (2) If in a regular election for judicial office no candidates nominated as provided in
8 KRS 118A.060 are available due to death, incapacity, or withdrawal, and the
9 candidates have not been replaced as provided in KRS 118A.060, the election to fill
10 the regular term shall be conducted in the manner prescribed in subsections (3)
11 through (11) of this section.

12 (3) Each candidate shall file a petition for nomination with the Secretary of State not
13 earlier than the first Wednesday after the first Monday in November of the year
14 preceding the year in which the election for the unexpired term will be held and not
15 later than the first Tuesday after the first Monday in June preceding the day fixed
16 by law for holding the regular election for the unexpired term, if the vacancy occurs
17 prior to the first Tuesday following the first Monday in June. If the vacancy occurs
18 after the first Tuesday following the first Monday in June, each candidate shall file
19 a petition for nomination with the Secretary of State not later than the second
20 Tuesday in August preceding the day fixed by law for holding the regular election
21 for the unexpired term. The petition shall be sworn to by the candidate and by not
22 less than two (2) registered voters from the district or circuit from which he or she
23 seeks nomination, before an officer authorized to administer an oath. Signatures for
24 nomination papers shall not be affixed on the document to be filed prior to the first
25 Wednesday after the first Monday in November of the year preceding the year in
26 which the office will appear on the ballot. The petition shall be filed no later than 4
27 p.m. local time at the place of filing when filed on the last date on which the papers

1 are permitted to be filed.

2 (4) The petition for nomination shall be in the form prescribed by the State Board of
3 Elections. The petition shall include a declaration sworn to by the candidate, that he
4 or she possesses all the constitutional and statutory requirements of the office for
5 which the candidate has filed. Titles, ranks, or spurious phrases shall not be
6 accepted on the petition and shall not be printed on the ballots as part of the
7 candidate's name; however, nicknames, initials, and contractions of given names
8 may be acceptable as the candidate's name.

9 (5) The Secretary of State shall examine the petition of each candidate to determine
10 whether it is regular on its face. If there is an error, the Secretary of State shall
11 notify the candidate by certified mail within twenty-four (24) hours of filing.

12 (6) The order of names on the ballot for each district or circuit, and numbered division
13 if divisions exist, shall be determined by lot at a public drawing to be held in the
14 office of the Secretary of State at 2 p.m., standard time, on the Thursday following
15 the first Tuesday after the first Monday in June preceding the regular election for
16 those petitions for nomination required to be filed no later than the first Tuesday
17 following the first Monday in June. For those petitions for nomination required to
18 be filed no later than the second Tuesday in August, the order of names on the
19 ballot for each district and circuit, and numbered division if divisions exist, shall be
20 determined by lot at a public drawing to be held in the office of the Secretary of
21 State at 2 p.m., standard time, on the Thursday following the second Tuesday in
22 August preceding the regular election.

23 (7) Not later than the date set forth in KRS 118.215 and after the order of names on the
24 ballot has been determined as required in subsection (6) of this section, the
25 Secretary of State shall:

26 (a) Certify to the county clerks of the respective counties entitled to participate in
27 the election of the various candidates, the name and place of residence of each

1 candidate for each office, by district or circuit, and numbered division if
2 divisions exist, as specified in the petitions for nomination filed with the
3 Secretary of State; and

4 (b) Designate for the county clerks the office of the Court of Justice with which
5 the names of candidates shall be printed and the order in which they are to
6 appear on the ballot.

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

9 (9) The county clerks of each county shall cause to be printed on the ballots, including
10 absentee ballots, for the regular election the names of the candidates for offices of
11 the Court of Justice.

12 (10) The names of the candidates shall be placed on the ballots in a separate column or
13 columns or in a separate line or lines and identified by the words "Judicial Ballot,"
14 and in a manner so that the casting of a vote for all of the candidates of a political
15 party will not operate to cast a vote for judicial candidates. The words "Vote for
16 one" or "Vote for one in each division," shall be printed on the appropriate location.
17 The office, numbered division if divisions exist, and the candidates therefor shall be
18 clearly labeled. No party designation or emblem of any kind, nor any sign
19 indicating any candidate's political belief or party affiliation, shall be used on any
20 ballot.

21 (11) The candidate receiving the highest number of votes cast at the regular election for
22 a district or circuit, or for a numbered division if divisions exist, shall be elected.

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