

CHAPTER 34**(HB 36)**

AN ACT relating to write-in voting.

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

Section 1. KRS 117.265 is amended to read as follows:

- (1) A voter may, at any regular or special election, cast a write-in vote for any person qualified as provided in subsection (2) or (3) of this section, whose name does not appear upon the ballot label as a candidate, by writing the name of his choice upon the appropriate device for the office being voted on provided on the voting machine as required by KRS 117.125. Any candidate for city office who is defeated in a partisan or nonpartisan primary election shall be ineligible as a candidate for the same office in the regular election. Any voter utilizing an absentee ballot for a regular or special election may write in a vote for any eligible person whose name does not appear upon the ballot, by writing the name of his choice under the office.
- (2) Write-in votes shall be counted only for candidates for election to office who have filed a declaration of intent to be a write-in candidate with the Secretary of State or county clerk, depending on the office being sought, not less than ten (10) days preceding the date of the regular or special election. The declaration of intent shall be on a form prescribed by the Secretary of State.
- (3) A person shall be ineligible as a write-in candidate for more than one (1) office in a regular or special election.
- (4) Persons who wish to run for President and Vice-President shall file a declaration of intent to be a write-in candidate, along with a list of presidential electors pledged to those candidates, with the Secretary of State not less than ten (10) days preceding the date of the regular election for those offices. Write-in votes cast for the candidates whose names appear on the ballot shall apply to the slate of pledged presidential electors, whose names shall not appear on the ballot.
- (5) The county clerk shall provide to the precinct election officers certified lists of those persons who have filed declarations of intent as provided in subsections (2) and (3) of this section. Only write-in votes cast for qualified candidates shall be counted.
- (6) Two (2) election officers of opposing parties shall upon the request of any voter instruct the voter on how to cast a write-in vote.
- ~~(7) The provisions of this section requiring the filing of a declaration of intent shall not apply to elections for municipal office in cities of the fifth or sixth class, and all write-in votes shall be counted, regardless of whether a declaration was filed.]~~

Section 2. KRS 118.255 is amended to read as follows:

- (1) The Secretary of State shall receive a fee of five hundred dollars (\$500) for a candidate for statewide elected state office or the Congress, two hundred dollars (\$200) for a candidate for Commonwealth's attorney, the General Assembly, or the District Court, Circuit Court, Court of Appeals, or Supreme Court, twenty dollars (\$20) for candidates for office in cities of the fifth or sixth class, fifty dollars (\$50) for other candidates who file with the Secretary of State for each notification and declaration and petition filed with him, **and** fifty dollars (\$50)

for a write-in candidate for office other than municipal office in cities of the fifth or sixth class, and twenty dollars (\$20) for a write-in candidate for municipal office in a city of the fifth or sixth class for each declaration of intent to be a write-in candidate], to be paid by the candidate, or the candidate's representative, when the notification and declaration and petition or declaration of intent is filed.

- (2) The county clerk shall receive a fee pursuant to KRS 64.012 for each notification and declaration and petition filed with him to be paid by the candidate at the time of the filing. The county clerk shall receive a fee pursuant to KRS 64.012 for each name published as provided in KRS 118.235, to be paid by the county.
- (3) The amount of fees received by the Secretary of State and county clerk for notifications and declarations and petitions filed with them, minus twenty dollars (\$20) for each notification and declaration or petition filed, shall be forwarded to the State Treasurer for deposit in the election campaign fund established by KRS 121A.020.
- (4) The county clerk and/or Secretary of State shall pay the cost of mailing the certification of nomination and declaration petition from the fee collected from the candidate.

Section 3. KRS 64.012 is amended to read as follows:

The county clerk shall receive for the following services the following fees:

Recording deed of trust or assignment for the benefit of creditors,	
provided the entire thereof does not exceed three (3) pages	\$8.00
Exceeding three (3) pages, for each page	2.00
Copy and certification of same when ordered	5.00
Each bond required to be taken or prepared by the clerk	3.00
Copy of any bond when ordered	2.00
Recording a bond, each bond	8.00
Receiving the acknowledgment or proof of any deed, mortgage, or	
agreement, power of attorney, or other written instrument required	
by law to be done and certifying same	2.00
Taking the acknowledgment or proof of a deed of real estate, certifying	
and recording the same and recording his own certificate, provided	
the entire record thereof does not exceed three (3) pages	8.00
Exceeding three (3) pages, for each page	2.00
Certified copy of deed	5.00
Recording a mortgage of real estate, certificates, and all services	
connected with the same, provided the entire record thereof	
does not exceed three (3) pages	8.00
Exceeding three (3) pages, for each page	2.00
Certified copy of real estate mortgage	5.00

Recording deed of assignment of real estate mortgage	8.00
Noting release of any lien, mortgage, or redemption other than a deed of release	3.00
Receiving the acknowledgment, recording, and certifying each deed of release of a mortgage or lien under KRS 382.360	8.00
Each additional marginal notation relating to same instrument	3.00
Making a record for the establishment of a city, recording the plan or plat thereof, and all other services incident	8.00
Recording survey of a city, or any part thereof, or any addition to or extensions of the boundary of a city	8.00
Every order concerning the establishment, changing, closing, or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed, or discontinued, and by the applicant when it is not	2.00
Administering an oath and certificate thereof	2.00
Issuing license for which no other fee is fixed by law	5.00
Marriage license, bond, certificate and recording	24.00
For filing and indexing an original or continuation financing statement	8.00
For noting a security interest on a certificate of title under KRS Chapter 186A	12.00
For filing and indexing an assignment of a financing statement	8.00
For filing and noting a statement of release of collateral under a financing statement	5.00
Recording real estate options, provided the entire record thereof does not exceed three (3) pages	8.00
Exceeding three (3) pages, for each page	2.00
Recording power of attorney or revocation of power of attorney, provided the entire record thereof does not exceed three (3) pages	8.00
Exceeding three (3) pages, for each page	2.00
Recording plats, maps and surveys, not exceeding 24 inches by 36 inches, per page	15.00
Recording all leases which are recordable by law, provided the entire record thereof does not exceed three (3) pages	8.00

Exceeding three (3) pages, for each page	2.00
Marginal notation to same instrument	3.00
Filing or recording of certification of intention to operate a business under an assumed name	8.00
Filing a lien on a delinquent motor vehicle or trailer bill	8.00
Releasing a lien on a delinquent motor vehicle or trailer bill	2.00
Filing or recording of mechanic's and artisan's liens under KRS Chapter 376	8.00
Filing or recording of notice of lien issued by the Internal Revenue Service	8.00
Filing or recording of notice of lien discharges issued by the Internal Revenue Service	8.00
Filing or recording of lis pendens notice concerning proceedings in bankruptcy and other lis pendens notices, provided the entire record thereof does not exceed three (3) pages	8.00
Exceeding three (3) pages, for each page	2.00
Filing or recording United States liens, provided the entire record per lien does not exceed three (3) pages	8.00
Exceeding three (3) pages, for each page	2.00
Filing or recording release of a United States lien, provided the entire record per lien does not exceed three (3) pages	8.00
Exceeding three (3) pages, for each page	2.00
Filing or recording state tax or other state liens, other than liens on delinquent motor vehicles or trailers	5.00
Filing release of a state tax or other state lien, other than a lien on a delinquent motor vehicle or trailer	5.00
Filing notification and declaration and petition of candidates for Commonwealth's attorney, District Court, and Circuit Court	200.00
Filing notification and declaration and petition of candidates for office in cities of the fifth or sixth class and candidates for county and independent boards of education	20.00
Filing notification and declaration and petition of candidates for boards of soil and water conservation districts	20.00
Filing notification and declaration and petition of candidates	

for other offices 50.00

Filing declaration of intent to be a write-in candidate for
office other than municipal office in a city of the fifth
or sixth class 50.00

~~Filing declaration of intent to be a write-in candidate for
municipal office in a city of the fifth or sixth class..... 20.00~~

Recording wills or other probate documents under KRS 394.300 8.00

Registration of licenses for professional persons required to
register with the county clerk 8.00

Recording and issuing articles, statements, or reports of corporations
pursuant to KRS Chapters 271B, 272 and 273, including articles
of incorporation, amendment, restatement of incorporation, merger,
consolidation, or dissolution and statements of establishment
of a series of shares, cancellation of a series of shares, reduction
of capital, intent to dissolve, revocation of voluntary
dissolution, or any other statement or report of a foreign or
domestic corporation, provided the entire record thereof
does not exceed three (3) pages 8.00

Exceeding three (3) pages, for each page 2.00

Miscellaneous recordings for which no specific fee is set,
provided the entire record thereof does not exceed three (3) pages
(except military discharges) 8.00

Exceeding three (3) pages, each additional page 2.00

Filing miscellaneous documents for which no specific fee is set,
provided the entire record thereof does not exceed three (3) pages 8.00

Exceeding three (3) pages, each additional page..... 2.00

Filing petitions other than nominating petitions, provided the
petition does not exceed three (3) pages..... 8.00

Exceeding three (3) pages, each additional page, except that
the total fee for filing a petition other than a nominating petition
shall not exceed \$50.00 2.00

Filing certification required by KRS 65.070(1)(a) 5.00

Certification of franchise tax assessment 5.00

Approved March 07, 2002