

CHAPTER 8
(HB 293)

AN ACT relating to elections and declaring an emergency.

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 for any office, by writing the name of his or her 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 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 or her 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, on or before the fourth Friday in October preceding the date of the regular election and not later than the second Friday before the date of a special election. ***In the case of a special election administered under Section 2 of this Act, a declaration of intent to be a write-in candidate shall be filed at least twenty-eight (28) days before the day of the election.*** The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. The declaration of intent shall be on a form prescribed by the Secretary of State.
- (3) A person shall not be eligible as a write-in candidate:
 - (a) For more than one (1) office in a regular or special election; or
 - (b) If his or her name appears upon the ballot label for any office, except that the candidate may file a notice of withdrawal prior to filing an intent to be a write-in candidate for office when a vacancy in a different office occurs because of:
 1. Death;
 2. Disqualification to hold the office sought;
 3. Severe disabling condition which arose after the nomination; or
 4. The nomination of an unopposed candidate.
- (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 on or before the fourth Friday in October preceding the date of the regular election for those offices. The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. 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.

➔Section 2. KRS 118.730 is amended to read as follows:

- (1) When a vacancy exists in either house of the General Assembly during its session, the presiding officer of the house in which the vacancy exists shall issue a writ of election; when the General Assembly is not in session, the writ shall be issued by the Governor. The writ shall be signed by the officer issuing it, shall designate the day for holding the election, and shall be directed to the proper sheriff or sheriffs.

- (2) *If a writ of election has been issued to fill a vacancy in either house of the General Assembly and only one (1) candidate has been nominated under KRS 118.760 and Section 4 of this Act and no candidate has filed a declaration of intent to be a write-in candidate for the vacancy under subsection (2) of Section 1 of this Act, the county clerks of the counties in the territory in which the special election is to be held shall conduct voting in only one (1) of the following:*
- (a) *The county clerk's office; or*
 - (b) *Other place or places designated by the county board of elections and approved by the State Board of Elections.*
- (3) *Subsection (2) of this section shall not apply when the writ of election calls for the election to be held on either:*
- (a) *The day of a primary or general election; or*
 - (b) *The same day as any other special election, except an uncontested special election to fill a vacancy in either house of the General Assembly.*

➔Section 3. KRS 118.740 is amended to read as follows:

- (1) A copy of a proclamation issued under KRS 118.710 or 118.720, or a writ of election issued under KRS 118.730 shall be forwarded by mail to the sheriff of each county in the district in which the election is to be held, at least thirty-five (35) days before the election. The sheriff of each county in which an election is to be held shall give notice at least **twenty-eight (28)**~~thirty (30)~~ days before the day of election. If, from any cause, the sheriff cannot properly act, he shall immediately hand the writ or proclamation to the person authorized to act in his place.
- (2) *If a special election is administered under subsection (2) of Section 2 of this Act, the notice required by subsection (1) of this section shall include the location of the election.*

➔Section 4. KRS 118.770 is amended to read as follows:

When a writ of election or proclamation is issued to fill a vacancy as prescribed in KRS 118.710, 118.720, or 118.730, independent, or political organization, or political group petitions and certificates of nomination ~~shall~~~~may~~ be filed **at least** twenty-eight (28) days before the day of election, and if filed with the Secretary of State shall be immediately certified by him or her to the proper county clerks.

➔Section 5. This Act shall be cited as The Dewayne Bunch Act.

➔Section 6. Whereas it is possible that a vacancy could occur in the General Assembly prior to ninety days after adjournment of the 2012 Regular Session of the General Assembly, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 28, 2012.