

CHAPTER 160**(HB 270)**

AN ACT relating to county boards of elections.

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

➔Section 1. KRS 117.035 is amended to read as follows:

- (1) There shall be a county board of elections, which shall, at the direction and under the supervision of the State Board of Elections, administer the election laws and the registration and purgation of voters within the county.
- (2)
 - (a) The board shall consist of the county clerk, the sheriff, and two (2) members appointed by the State Board of Elections not later than July 1 following the election of persons to statewide office, for a term of four (4) years and until their successors are appointed.
 - (b) The sheriff shall not serve on the board during any year in which he *or she* is a candidate, but shall recommend to the board a temporary replacement to serve in his *or her* place. If the sheriff cannot serve because he *or she* is sick, injured, or otherwise incapacitated, he *or she* may recommend a temporary replacement to serve in his *or her* place until the sheriff may resume his *or her* duties or a vacancy in office is declared.
 - (c) The county clerk may, at his *or her* option, continue to serve on the board during a year in which he *or she* is a candidate. If the clerk elects not to serve, he *or she* shall recommend a temporary replacement to serve in his *or her* place. If the county clerk cannot serve because he *or she* is sick, injured, or otherwise incapacitated, he *or she* may recommend a temporary replacement to serve in his *or her* place until the county clerk may resume his *or her* duties or a vacancy in office is declared.
 - (d)
 1. Notwithstanding the provisions of KRS 61.080, service on the board of elections shall be compatible with the holding of any other county or city office.
 2. The members shall be at least twenty-one (21) years of age, qualified voters in the county from which they are appointed, and shall not have been convicted of any election law offense.
 3. One (1) member shall be appointed from a list of five (5) names submitted by the county executive committee of each political party as defined in KRS 118.015. If there are two (2) or more contending executive committees of the same political party in any county, the one recognized by the written certificate of the ~~chair~~~~chairman~~ of the state central committee of the political party shall be the one authorized to submit the lists.
 4. If the State Board of Elections does not receive the list as required by subparagraph 3. of this paragraph for each political party for each county by the deadline established in paragraph (a) of this subsection or within one (1) month of a vacancy, then the chair of the state central committees for the political parties may submit lists of five (5) names of qualified residents from the remaining counties by August 1 following the election of persons to statewide office or within two (2) months of a vacancy.
 5. If the State Board of Elections does not receive a list from either the county executive committee under subparagraph 3. of this paragraph or the chair of the state executive committee under subparagraph 4. of this paragraph, then the State Board of Elections shall appoint a qualified resident from the county at its next regularly scheduled meeting in September following the election of persons to statewide office or within three (3) months of a vacancy.
 6. A member appointed by the State Board of Elections may be removed by the State Board of Elections for cause.
 7. A member appointed by the State Board of Elections may be removed by the State Board of Elections upon a request approved by a two-thirds (2/3) vote of the full membership of the county executive committee that submitted the member's name. The county executive shall provide conclusive evidence of the committee's membership and evidence of the committee's two-thirds (2/3) vote before the State Board of Elections removes any member appointed by the State Board of Elections.

8. If an appointee is temporarily unable to act, a temporary appointee shall be named by the State Board of Elections. A temporary appointee shall serve until the original appointee notifies the State Board of Elections that he *or she* is able to resume his *or her* term.
 9. A member appointed by the State Board of Elections shall not serve on the board if he or she is a candidate for public office, and the member shall resign upon filing papers to become a candidate for public office or shall be removed from office by the State Board of Elections. A member who resigns or is removed because of his or her candidacy shall not resume his or her term following the completion of the candidacy.
 10. Vacancies and temporary vacancies shall be filled in the same manner as provided for original appointments, and the person appointed to fill the vacancy or temporary vacancy shall be of the same political party as his *or her* predecessor.
- (e) Compensation and payment of actual expenses of members shall be set by the fiscal court either as an amount payable on an annual basis, or as an amount payable on a per diem basis of not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100) for each day the board meets.
- (3) A majority of the board shall constitute a quorum. The county clerk shall serve as ~~chair~~~~chairman~~ of the meetings and may vote. In case of a tie, the ~~chair~~~~chairman~~ may cast an additional vote. Records shall be kept of all proceedings, and the records shall be public and kept at the office of the county clerk.
 - (4) The board shall meet *as follows*:
 - (a) *During years in which a primary or regular election is scheduled, the board shall meet at least once every other~~th~~ month and may meet more frequently if necessary upon the call of the chair or upon written agreement of two (2) or more members of the board. The call shall provide notice as prescribed by KRS 61.823.*
 - (b) *During years in which no primary or regular election is scheduled, the board shall meet at the call of the chair or upon written agreement of two (2) or more members of the board. The call shall provide notice as prescribed by KRS 61.823.*
 - (c) The board shall *meet and* stay in session on *primary, regular election, and special* election days to correct clerical errors and rule on questions regarding voter registration and may make to the election officers such certifications as may be necessary. On *primary, regular election, and special* election days, appeals may be made to a Circuit Judge, but a ruling of the board shall be reversed only upon a finding that it was arbitrary and capricious.
 - (5) The board may employ, on a bipartisan basis, a staff sufficient to carry out the duties assigned to the board.

Signed by Governor April 13, 2018.