TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amended at ARRS Committee)

301 KAR 11:002. Fish and Wildlife Commission Member selection process ~~[Selection of Fish and Wildlife Resources Commission nominees]~~.

RELATES TO: KRS 150.022, 150.023
STATUTORY AUTHORITY: KRS 150.022, 150.025
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB 6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department of Fish and Wildlife Resources to promulgate administrative regulations to carry out the purposes of KRS Chapter 150. KRS 150.022 requires that a meeting of sportsmen and sportswomen in a commission district be held to nominate five (5) candidates for membership on the Kentucky Fish and Wildlife Commission. These five (5) candidate names shall then be submitted to the Governor for his or her selection. This administrative regulation establishes the procedures for nominating the candidates for commission membership.

Section 1. Scheduling of Meetings and Notification of the Public.
(1) At least thirty (30) days prior to the expiration of the term of a member of the Fish and Wildlife Resources Commission, the commissioner shall select the time and place for a public meeting to select a list of five (5) nominees to submit to the governor. The meeting shall be held within a county of the commission district that shall be centrally located and easily accessible to the majority of the sportsmen and sportswomen of that district.
(2) The location of the meeting shall be in a public building with facilities adequate to accommodate the expected turnout. If more participants attend than the facilities can reasonably accommodate, the commissioner (or his or her designee) may order a change in location, if a suitable site is readily available, or may take whatever steps he or she deems necessary to ensure the orderly and safe conduct of the meeting.
(3) Each meeting shall be called to order at 7:30 p.m. local prevailing time. If a change of location is called as established in subsection (2) of this section, the commissioner shall delay the beginning of the meeting for at least one (1) hour. The commissioner may also delay the beginning of the meeting for any other reason necessary, but the commissioner shall not convene the meeting earlier than the stated starting time.
(4) The facilities where the meeting is held shall be made available to the public by ~~[at least]~~ 6 p.m. local prevailing time.
(5) At least thirty (30) days prior to the meeting, the commissioner shall:
(a) Cause to be published in each newspaper in the district a legal notice announcing the purpose, time, and place of the meeting;
(b) Prepare and distribute news releases announcing the meeting to all major mass media outlets in the district; and
(c) Prepare and distribute posters about the meeting for posting at each county courthouse in the district and at those places where sportsmen or sportswomen are known to gather or frequent.

~~[(5)] [The commissioner shall cause to be published in each newspaper in the district a legal notice announcing the purpose, time, and place of the meeting. The commissioner shall also prepare and distribute news releases announcing the meeting to all major mass media outlets in the district. In addition, the commissioner shall prepare and distribute posters about the meeting for posting at each county courthouse in the district and at those places where sportsmen are known to gather or frequent.]~~

Section 2. Participation in the meeting.

(1) Applications for nomination

(a) To be considered for nomination, individuals shall submit, so as to be received by the commissioner's office at least fifteen (15) days prior to the meeting, a notarized and completed Commission Member Nominee Application, with accompanying documentation.

(b) The department shall review all Commission Member Nominee Applications and accompanying documents submitted by the deadline and determine if each individual meets qualification requirements as established in KRS 150.022.

(c) Only those individuals who are physically present at the meeting that have both properly submitted a Commission Member Nominee Application and have been determined as qualified by the department may be considered for nomination.

(2) Only those individuals who are physically present at the meeting, are residents of the district, and who have been licensed hunters, trappers, or anglers for each of the past two (2) consecutive license years, not including the current license year, may participate in the nomination process or voting.

Section 3. Conduct of the Meeting.

(1) The commissioner, or an official of the department designated by the commissioner, shall serve as chair of the meeting and shall be the final arbiter of any disputes or procedural questions that arise during the course of the meeting.

(2) After calling the meeting to order, the chair shall explain the purpose of the meeting and the rules under which it shall be conducted.

(3) The chair shall read the list of names of all individuals who are qualified for nomination and request those physically present come forward. Only those qualified individuals physically present at the meeting at the time of this call shall be eligible for nomination.

(4) If five (5) or fewer individuals are eligible for nomination, those individuals shall be automatically placed on the list of nominees to be presented to the Governor. The chair shall declare that the purpose of the meeting has been fulfilled and shall adjourn the meeting.

~~[(3)] [The chair shall then open the floor to nominations.]~~

~~[(4)] [As each name is placed in nomination, the nominee shall sign an affidavit attesting to his or her residency in the district.]~~

~~[(5)] [The chair shall not close the nominations until he or she has called three (3) times for additional nominations and has received none. Motions to close the nominations shall not be recognized while there are still those waiting to place a name in nomination.]~~

~~[(6)] [If no more than five (5) names are placed in nomination, the chair shall declare that the purpose of the meeting has been fulfilled and shall adjourn the meeting.]~~

Section 4. ~~[Section 3.]~~ Balloting to Select Five (5) Nominees.

(1) If more than five (5) individuals are eligible for nomination,~~[names are placed in nomination,]~~ the list of nominees shall be narrowed to five (5) names by ~~[secret]~~ ballots cast by the qualified sportsmen and sportswomen in attendance.

(2) The chair shall direct each individual eligible for nomination~~[nominee]~~ to appoint ~~[at least]~~ one (1) individual to serve on a balloting committee.~~[The chair shall determine the~~

~~number needed for this committee, and each][individual qualified for nomination] [nominee][shall be allowed an equal number of committee members.]~~

(3) Members of the balloting committee shall distribute Commission Member Nomination Ballots~~[ballots]~~ to the participants in the meeting. Each Commission Member Nomination Ballot~~[ballot]~~ shall consist of two (2) parts: A statement of eligibility ~~[an affidavit]~~ by which each participant shall certify~~[attest to]~~ his or her legal right to participate in the selection process as established in KRS 150.022 and a voting ticket~~[ballot]~~ with which the participant may vote for one (1) nominee.

(4) Each eligible participant shall complete the information requested on the statement of eligibility and sign the portion certifying~~[affidavit and swear an oath attesting to]~~ the veracity of that information.

(5) Each eligible participant shall then vote for the individuals eligible for nomination~~[nominee]~~ of his or her choice on the Commission Member Nomination Ballot~~[ballot]~~ provided. Ballot boxes, overseen by personnel of the department, shall be available at designated exits. Each eligible participant shall hand the department employee his or her signed statement of eligibility~~[affidavit]~~ and shall place his or her voting ticket~~[ballot]~~ in the ballot box.

(6) After depositing his or her Commission Member Nomination Ballot~~[ballot]~~, each participant shall immediately leave the meeting room and shall not return until all votes~~[ballots]~~ are cast and the ballot boxes are closed.

(7) The ballot boxes shall be opened in the presence of the balloting committee, who shall count the ballots in the presence of the chair or his or her designee.

(8) Each member of the balloting committee shall sign a Balloting Committee Certification Form that confirms~~[an affidavit attesting to]~~ the ballot count and ~~[to]~~ the fact that, to the best of his or her knowledge, the process of distributing and counting the ballots was conducted in a fair and impartial manner. The chair shall obtain a written statement from any committee member who feels that irregularities did occur during the course of the meeting.

(9) Immediately after the votes~~[ballots]~~ are counted and the results certified by the balloting committee, the chair shall announce the names of the top five (5) nominee vote recipients~~[full results of the balloting]~~ and shall then adjourn the meeting.

Section 5. ~~[Section 4.]~~ Resolving Ties or Disputes.

(1) In the event of a tie vote for fifth and sixth place, the chair shall settle the issue by the toss of a coin. Tie votes that do not affect the outcome of the selection of the five (5) names shall not be resolved.

(2) Any other disputes, whether over vote counts or over procedural matters, shall be arbitrated immediately by the chair, whose decision shall be binding unless subsequently overturned by the commission or the courts.

(3) Any individual who is aggrieved by a decision of the chair or by any other action at the meeting may appeal in writing to the Fish and Wildlife Resources Commission. An appeal shall be made within ten (10) calendar days after the meeting.

(4) Upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B.

(5) Any party aggrieved by a final order of the commission may appeal to Franklin Circuit Court in accordance with KRS Chapter 13B.

Section 6. ~~[Section 5.]~~ Submission of the List of Nominees to the Governor.

(1) The commissioner shall, within thirty (30) working days after the meeting, submit to the governor the names of the five (5) nominees chosen at the meeting.

(2) If balloting was used to limit the list to five (5) names, the commissioner shall not submit any ballot totals to the governor.

Section 7. Incorporated by Reference.

(1) The following material is incorporated by reference:

(a) "Commission Member Nominee Application", ***October*** ***[~~July~~]*** 2026 edition;

(b) "Commission Member Nomination Ballot", July 2026 edition; and

(c) "Balloting Committee Certification Form", July 2026 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:

(a) https://fw.ky.gov/More/Documents/Commission_Member_Nominee_Application_-_Draft_-_Clean.pdf for the "Commission Member Nominee Application";

(b) https://fw.ky.gov/More/Documents/Commission_Member_Nomination_Ballot_Draft_-_Clean.pdf for the "Commission Member Nomination Ballot";

(c) https://fw.ky.gov/More/Documents/Balloting_Committee_Certification_Form_Clean.pdf for the "Balloting Committee Certification Form".

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