

**117.035 County board of elections -- Membership -- Appointed members -- Meetings -- Questions regarding voter registration and proof of identification - - Staff.**

- (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 under paragraph (d) of this subsection. Appointed board members shall serve for a term of four (4) years that expires on June 30 of the year following a presidential election 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 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 of the year in which the term expires 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 of the year in which the term expires 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 just 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 committee 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 fifty dollars (\$50) for each day the board meets.
- (3) A majority of the board shall constitute a quorum. The county clerk shall serve as chair of the meetings and may vote. In case of a tie, the chair 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 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; and
  - (c) The board shall meet and stay in session on primary, regular election, and special election days to correct clerical errors, to rule on questions regarding voter registration, proof of identification, and the curing of signatures relative to mail-in absentee ballots, 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.

**Effective:** April 27, 2024

**History:** Amended 2024 Ky. Acts ch. 224, sec. 2, effective April 27, 2024. -- Amended 2021 Ky. Acts ch. 197, sec. 7, effective June 29, 2021. -- Amended 2020 Ky. Acts ch. 89, sec. 33, effective July 15, 2020. -- Amended 2018 Ky. Acts ch. 160, sec. 1, effective July 14, 2018. -- Amended 2014 Ky. Acts ch. 92, sec. 211, effective January 1, 2015. -- Amended 2010 Ky. Acts ch. 176, sec. 2, effective July 15, 2010. - - Amended 2005 Ky. Acts ch. 71, sec. 2, effective June 20, 2005. -- Amended 1996 Ky. Acts ch. 195, sec. 4, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 256, sec. 1, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 48, sec. 14, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 341, sec. 25, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 394, sec. 6, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 318, sec. 1, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 129, effective January 2, 1978. -- Created 1974 Ky. Acts ch. 130, sec. 20, effective June 21, 1974.

**Legislative Research Commission Note (4/27/2024).** 2024 Ky. Acts ch. 224, sec. 29, reads as follows:

"Notwithstanding subsection (2)(a) of Section 2 of this Act [this statute], members appointed by the State Board of Elections to the county board of elections whose terms expire on June 30, 2024, shall be reappointed by the State Board of Elections for a term of one year to expire on June 30, 2025. Thereafter, appointments shall be made every four years in accordance with subsection (2)(a) of Section 2 of this Act [this statute]."