

AN ACT relating to primaries.

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

➔Section 1. KRS 116.055 is amended to read as follows:

**(1)** Before a person shall be qualified to vote in a primary~~[election]~~, he ***or she*** shall:

**(a)** Possess all the qualifications required of voters in a regular election; **and**

**(b)** ~~[In addition, he shall ]~~Be **either:**

**1.** A registered member of the party in whose primary~~[election]~~ he ***or she*** seeks to vote, and shall have been registered as a member of that party on December 31 immediately preceding the primary~~[election]~~, or, in the case of new registrations made after December 31 immediately preceding the primary~~[election]~~, he ***or she*** shall have registered and remained registered as a member of that party; **or**

**2.** ***A registered independent, although an independent shall only vote in the primary of one (1) party. Such a person shall be registered independent on December 31, immediately preceding the primary.***

**(2)** No person shall be allowed to vote for any party candidates or slates of candidates other than that of the party of which he ***or she*** is a registered member, **except as provided in subparagraph 2. of paragraph (b) of subsection (1) of this section.**

**(3)** The qualifications shall be determined as of the date of the primary, without regard to the qualifications or disqualifications as they may exist at the succeeding regular election, except that minors seventeen (17) years of age who will become eighteen (18) years of age on or before the day of the regular election shall be entitled to vote in the primary if otherwise qualified.

**(4)** However, any registered voter, whether registered as a member of a party, political organization, political group, or as an independent, shall be qualified to vote in **primaries**~~[primary elections]~~ for candidates listed in all nonpartisan races.

➔Section 2. KRS 117.125 is amended to read as follows:

No make of voting machine shall be approved for use unless it is so constructed that:

- (1) It will insure secrecy to the voter in the act of voting.
- (2) It provides facilities that will permit votes to be cast for any candidate entitled to have his or her name printed upon the ballots at any regular~~[,]~~ or special election, or primary~~[election]~~, and for or against any public question entitled to be placed upon the ballots.
- (3) It will, except at primaries~~[primary elections]~~, permit a voter to vote for all the candidates of one (1) party or for one (1) or more candidates of every party having candidates entitled to be voted for, or for one (1) or more independent candidates.
- (4) It will permit a voter to vote for as many persons for an office as he or she is lawfully entitled to vote for, and no more.
- (5) It will prevent a voter from voting for the same person, or for or against the same question, more than once.
- (6) It will permit a voter to vote for or against any question he or she may have the right to vote on, but no other.
- (7) It may be adjusted for use in primaries~~[primary elections]~~ so that a voter may not vote for any person except those seeking nomination as candidates of his or her party, or in the case of an independent voter, for any person that the voter is entitled to vote for under subparagraph 2. of paragraph (b) of subsection (1) of Section 1 of this Act, or as candidates for an office of the Court of Justice.
- (8) It will correctly register and accurately count all votes cast for each person, and for or against each public question.
- (9) It can be determined whether the machine has been unlocked and operated after once being locked.
- (10) It will show at all times during a primary or an election how many persons have voted by a device hereinafter referred to as a public counter.
- (11) The counter indicating the number of votes cast for each person and for or against

each public question cannot be seen or tampered with without unlocking a covering device that cannot be unlocked by a key that unlocks any other part of the machine. When such counters are so exposed the machine can no longer be placed into condition for operation without the use of a special key, which key shall not have been in the possession of the election officers at the polling places; but if this requirement has the effect of eliminating from consideration any other make of machine such requirement shall not apply.

- (12) The operating device and operating mechanism may be locked before the time for opening the polls and after the time for closing the polls.
- (13) It is accompanied by a mechanical model illustrating the manner of voting on the machine, suitable for the instruction of voters.
- (14) It will permit a voter to vote for all the candidates for presidential electors of any party by one (1) operation.
- (15) It will permit a voter to vote, in any regular or special election, for any person desired to be voted for whose name does not appear upon the voting machine.
- (16) It bears a number that will distinguish it from any other machine.
- (17) The frames in which ballot labels are placed shall be constructed with transparent protective devices, in order that the names thereon cannot be mutilated or altered.

➔Section 3. KRS 118.015 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

- (1) A "political party" is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and whose candidate received at least twenty percent (20%) of the total vote cast at the last preceding election at which presidential electors were voted for;
- (2) The word "election" used in reference to a state, district, county, or city election, includes the decisions of questions submitted to the qualified voters as well as the choice of officers by them;

- (3) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards, paper ballots, an absentee ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary, general, or special election by the Secretary of State or the county clerk;
- (4) "Ballot label" means the cards, papers, booklet, pages, or other material on which appear the names of candidates and the questions to be voted on by means of ballot cards or voting machines;
- (5) "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device or by marking with a pen or special marking device;
- (6) "Voting machine" or "machine" shall include lever machines and, as far as applicable, any electronic or electromechanical unit and supplies utilized or relied upon by a voter in casting and recording his votes in an election;
- (7) The word "resident" used in reference to a candidate in a state, district, county, or city election shall mean actual resident, without regard to the residence of the spouse of the candidate;
- (8) "Political organization" means a political group not constituting a political party within the meaning of subsection (1) of this section but whose candidate received two percent (2%) or more of the vote of the state at the last preceding election for presidential electors; ~~and~~
- (9) "Political group" means a political group not constituting a political party or a political organization within the meaning of subsections (1) and (8) of this section; and
- (10) "Registered independent" means a person who is not a member of a political party, a political organization, or a political group as defined in the section.**

➔Section 4. KRS 118.125 is amended to read as follows:

- (1) Except as provided in KRS 118.155, any person who is qualified under the provisions of KRS 116.055 to vote in any primary for the candidates for nomination

by the party at whose hands he or she seeks the nomination, except for a person qualified under the provisions of subparagraph 2. of paragraph (b) of subsection (1) of Section 1 of this Act, shall have his or her name printed on the official ballot of his or her party for an office to which he or she is eligible in that primary, upon filing, with the Secretary of State or county clerk, as appropriate, at the proper time, a notification and declaration.

(2) The notification and declaration shall be in the form prescribed by the State Board of Elections. It shall be signed by the candidate and by not less than two (2) registered voters of the same party from the district or jurisdiction from which the candidate seeks nomination. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot.

(a) The notification and declaration for a candidate for an office other than Governor or Lieutenant Governor shall include the following oath:

"For the purpose of having my name placed on the official primary~~election~~ ballot as a candidate for nomination by the ----- Party, I, ----- (name in full as desired on the ballot as provided in KRS 118.129), do solemnly swear that my residence address is ----- (street, route, highway, city if applicable, county, state, and zip code), that my mailing address, if different, is ----- (post office address), and that I am a registered ----- (party) voter in --- --- precinct; that I believe in the principles of the ----- Party, and intend to support its principles and policies; that I meet all the statutory and constitutional qualifications for the office which I am seeking; that if nominated as a candidate of such party at the ensuing primary~~election~~ I will accept the nomination and not withdraw for reasons other than those stated in KRS 118.105(3); that I will not knowingly violate any election law or any law

relating to corrupt and fraudulent practice in campaigns or elections in this state, and if finally elected I will qualify for the office."

The declaration shall be subscribed and sworn to before an officer authorized to administer an oath by the candidate and by the two (2) voters making the declaration and signing the candidate's petition for office.

- (b) The notification and declaration for a slate of candidates for Governor and Lieutenant Governor shall include the following oath:

"For the purpose of having our names placed on the official primary ~~election~~ ballot as a slate of candidates for Governor and Lieutenant Governor for nomination by the ----- Party, I, -----, (name of candidate for Governor in full as desired on the ballot as provided in KRS 118.129), do solemnly swear that my residence address is ----- (street, route, highway, city if applicable, county, state, and zip code), that my mailing address, if different, is ----- (post office address), and that I am a registered ----- (party) voter in ----- precinct; and I, -----, (name of candidate for Lieutenant Governor in full as desired on the ballot as provided in KRS 118.129), do solemnly swear that my residence address is ----- (street, route, highway, city if applicable, county, state, and zip code), that my mailing address, if different, is ----- (post office address), and that I am a registered ----- (party) voter in ----- precinct; that we believe in the principles of the ----- Party, and intend to support its principles and policies; that we meet all the statutory and constitutional qualifications for the offices which we are seeking; that we will accept the nomination and not withdraw for reasons other than those stated in KRS 118.105(3); that we will not knowingly violate any election law or any law relating to corrupt or fraudulent practice in campaigns or elections in this state, and if finally elected we will qualify for our offices."

The declaration shall be subscribed and sworn to before an officer authorized

to administer an oath by the candidate and by the two (2) voters making the declaration and signing the petition for office.

- (3) When the notice and declaration has been filed with the Secretary of State or county clerk, as appropriate, and certified according to KRS 118.165, the Secretary of State or county clerk, as appropriate, shall have the candidate's name printed on the ballot according to the provisions of this chapter, except as provided in KRS 118.185.
- (4) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall not be printed on the ballots as part of the candidate's name; however, nicknames, initials, and contractions of given names may be acceptable as the candidate's name.