

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2017 REGULAR SESSION
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Amend printed copy of **SB 145/GA**

On page 23, after line 16, by adding the following:

"➔Section 11. KRS 118.165 is amended to read as follows:

- (1) Except as provided in KRS Chapters 116 to 121, candidates for offices to be voted for by the electors of one (1) county or of a district less than one (1) county, except members of Congress and members of the General Assembly, shall file their nomination papers with the county clerk of the county not 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 not later than the last Tuesday in January preceding the day fixed by law for holding the primary.
- (2) Candidates for offices to be voted for by the electors of more than one (1) county, *including Justices of the Supreme Court, District Judges, Circuit Judges, Commonwealth's attorneys, Governor and Lieutenant Governor, Secretary of State, Attorney General, Auditor of Public Accounts, State Treasurer, Commissioner of Agriculture, President,* ~~and for~~ members of Congress, and members of the General Assembly, shall file their nomination papers with the Secretary of State not 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 not later than the ~~first~~ ~~last~~ Tuesday *following the first Monday* in January preceding the day fixed by law for holding the primary. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first

Amendment No. HFA 1

Rep. Rep. Jerry T. Miller

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: Fritz, Judy

Adopted: _____

Date: _____

Rejected: _____

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Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. All nomination papers shall be filed no later than 4 p.m. local time at the place of filing when filed on the last date on which the papers may be filed.

~~(3)(2)~~ The Secretary of State or the county clerk shall examine the notification and declaration form of each candidate to determine whether it is regular on its face. If there is an error, the proper officer shall notify the candidate by certified mail within twenty-four (24) hours of filing.

~~(4)(3)~~ A judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate or a nominee for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the number of days served by the judge acting as a Senior Status Special Judge.

➔Section 12. KRS 118.215 is amended to read as follows:

(1) After the order of the names has been determined as provided in KRS 118.225, the Secretary of State shall certify, to the county clerks of the respective counties entitled to participate in the nomination or election of the respective candidates, the name, place of residence, and party of each candidate or slate of candidates for each office, as specified in the nomination papers or certificates and petitions of nomination filed with him or her, and shall designate the device with which the candidate groups, slates of candidates, or lists of candidates of each party shall be printed, in the order in which they are to appear on the ballot, with precedence to be given to the party that polled the highest number of votes at the preceding election for presidential electors, followed by the political party which received the second highest number of votes, with the order of any other political parties and independents to be determined by lot. Candidates for county offices and local state offices shall be listed in the following order: Commonwealth's attorney, circuit clerk,

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property valuation administrator, county judge/executive, county attorney, county clerk, sheriff, jailer, county commissioner, coroner, justice of the peace, and constable. The names of candidates for President and Vice President shall be certified in lieu of certifying the names of the candidates for presidential electors. The names shall be certified as follows:

- (a) Not later than the second Monday after the *last Tuesday in January for the primary as established in subsection (1) of Section 1 of this Act* ~~filing deadline for the primary~~;
 - (b) Not later than the second Monday after the filing deadline for the *regular* ~~general~~ election, except as provided in paragraph (c) of this subsection; and
 - (c) Not later than the Monday after the Friday following the first Tuesday in September preceding a *regular* ~~general~~ election, for those years in which there is an election for President and Vice President of the United States.
- (2) Except as otherwise provided in subsection (3) of this section, all independent candidates or slates of candidates whose nominating petitions are filed with the county clerk or the Secretary of State shall be listed under the title and device designated by them as provided in KRS 118.315, or if none is designated, under the word "independent," and shall be placed on the ballot in a separate column or columns or in a separate line or lines according to the office which they seek. The order in which independent candidates or slates of candidates shall appear on the ballot shall be determined by lot by the county clerk. If the same device is selected by two (2) groups of petitioners, it shall be given to the first selecting it and the county clerk shall permit the other group to select a suitable device. This section shall not apply to candidates for municipal offices which come under subsection (3) of this section.
- (3) The ballots used at any election in which city officers are to be elected as provided in subsection (2) of this section shall contain the names of candidates for the city offices

grouped according to the offices they seek, and the candidates shall be immediately arranged with and designated by the title of office they seek. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by lot. Each group of candidates for each separate office for which the candidates are to be elected shall be clearly separated from other groups on the ballot and spaced to avoid confusion on the part of the voter.

- (4) The Secretary of State shall not knowingly certify to the county clerk of any county the name of any candidate or slate of candidates who has not filed the required nomination papers, nor knowingly fail to certify the name of any candidate or slate of candidates who has filed the required nomination papers.
- (5) If the county clerk determines that the number of certified candidates or slates of candidates cannot be placed on a ballot which can be accommodated by the voting machines currently in use by the county, he *or she* shall so notify the State Board of Elections not later than the last Tuesday in February preceding the primary or the last Tuesday in August preceding the regular~~[general]~~ election. The State Board of Elections shall meet within five (5) days of the notice, review the ballot conditions, and determine whether supplemental paper ballots are necessary for the election. Upon approval of the State Board of Elections, supplemental paper ballots may be used for nonpartisan candidates or slates of candidates for an office or offices and public questions submitted for a yes or no vote. All candidates or slates of candidates for any particular office shall be placed either on the machine ballot or on the paper ballot. Supplemental paper ballots may also be used to conduct the voting, in the instance of a small precinct as provided in KRS 117.066.
- (6) The ballot position of a candidate or slate of candidates shall not be changed after the ballot position has been designated by the county clerk.

➔Section 13. KRS 118.581 is amended to read as follows:

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The State Board of Elections shall convene in Frankfort on the ~~third~~^{second} Tuesday in ~~December~~^{January} preceding a presidential preference primary. At the meeting required by this section, the board shall nominate as presidential preference primary candidates all those candidates of the political parties for the office of President of the United States who have qualified for matching federal campaign funds. Immediately upon completion of this requirement, the board shall transmit a list of all the nominees selected to the Secretary of State and shall also release the list to the news media.

➔Section 14. KRS 118.591 is amended to read as follows:

- (1) Any person seeking the endorsement by a political party for the office of President of the United States, or any group organized in this state on behalf of, and with the consent of, the person, may file with the Secretary of State certified petitions signed by five thousand (5,000) persons who, at the time they sign, are registered and qualified voters in the Commonwealth and are affiliated, by registration, with the same political party as the candidate for whom petitions are filed.
- (2) The petitions shall be filed by the petitioners with the Secretary of State no later than the ~~first~~^{last} Tuesday following the first Monday in January preceding a presidential preference primary.
- (3) The petitions shall state:
 - (a) The name of the candidate for nomination and the party of which he or she is a member; and
 - (b) The name and address of the ~~chair~~^{chairman} of the group circulating such petition.
- (4) The Secretary of State shall determine the sufficiency of petitions filed with him or her and shall immediately communicate his or her determination to the ~~chair~~^{chairman} of the group which has filed the petitions.
- (5) In lieu of the petition requirements of subsections (1) to (4) of this section, a candidate may

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qualify to appear on the presidential preference primary ballot of his or her political party by filing with the Secretary of State, no later than the first~~[last]~~ Tuesday following the first Monday in January preceding a presidential preference primary, a notice of candidacy signed by the candidate and either of the following:

- (a) A certification by the Federal Election Commission that, by the filing deadline, the candidate has qualified for matching federal campaign funds; or
 - (b) Evidence that, by the filing deadline, the candidate's name is qualified to appear on the presidential preference primary ballot of his or her political party in at least twenty (20) other states.
- (6) The Secretary of State shall determine the sufficiency of the documentation provided pursuant to subsection (5) of this section and shall immediately communicate his or her determination to the candidate or his or her agent.

➔Section 15. KRS 118A.060 is amended to read as follows:

- (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot label or absentee ballot for an office of the Court of Justice without first having been nominated as provided in this section.
- (2) Each candidate for nomination shall file a petition for nomination with the Secretary of State not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the first~~[last]~~ Tuesday after the first Monday in January preceding the day fixed by law for holding the primary~~[election]~~ for the office. The petition shall be sworn to before an officer authorized to administer an oath by the candidate and by not less than two (2) registered voters from the district or circuit from which he or she 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. The petition shall be filed no later than 4 p.m. local time at the place of filing when filed on the last date on which the papers are permitted to be filed.

- (3) The petition for nomination shall be in the form prescribed by the State Board of Elections. The petition shall include a declaration sworn to by the candidate, that he or she possesses all the constitutional and statutory requirements of the office for which the candidate has filed. Titles, ranks, or spurious phrases shall not be accepted on the petition 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.
- (4) The Secretary of State shall examine the petition of each candidate to determine whether it is regular on its face. If there is an error, the Secretary of State shall notify the candidate by certified mail within twenty-four (24) hours of filing. The order of names on the ballot for each district or circuit, and numbered division~~[- thereof]~~ if divisions exist, shall be determined by lot at a public drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on the Thursday following the last Tuesday in January preceding the primary election.
- (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary~~[- election]~~, and after the order of names on the ballot has been determined as required in subsection (4) of this section, the Secretary of State shall:
 - (a) Certify to the county clerks of the respective counties entitled to participate in the election of the various candidates, the name and place of residence of each candidate for each office, by district or circuit, and numbered division~~[- thereof]~~ if divisions exist, as specified in the petitions for nomination filed with him *or her*; and
 - (b) Designate for the county clerks the office of the Court of Justice with which the names of candidates shall be printed and the order in which they are to appear on the

ballot.

- (6) The ballot position of a candidate shall not be changed after the ballot position has been designated by the Secretary of State.
- (7) The county clerks of each county shall cause to be printed on the ballot labels for the voting machines and on the special ballots for the primary the names of the candidates for offices in the Court of Justice.
- (8) The names of the candidates shall be placed on the voting machine in a separate column or columns or in a separate line or lines and identified by the words "Judicial Ballot." The words "Vote for one," or "Vote for one in each division," shall be printed on the ballot in an appropriate location. The office, numbered division ~~thereof~~ if divisions exist, and the candidates ~~therefor~~ shall be clearly labeled. No party designation or emblem of any kind, nor any sign indicating any candidate's political belief or party affiliation, shall be used on voting machines or special ballots.
- (9) The two (2) candidates receiving the highest number of votes for nomination for justice or judge of a district or circuit, or numbered division ~~thereof~~ if divisions exist, shall be nominated. Certificates of nomination shall be issued as provided in KRS 118A.190.
- (10) If it appears after expiration of the time for filing petitions for nomination that there are not more than two (2) candidates who have filed the necessary petitions for a place on the ballot in the regular election, no drawing for ballot position shall be held and the Secretary of State shall immediately issue and file in the Secretary's office certificates of nomination, and send copies to the candidates."