

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 83A.045 is amended to read as follows:

4 (1) Except as provided in KRS 83A.047, partisan elections of city officers shall be
5 governed by the following provisions, regardless of the form of government or
6 classification of the city:

7 (a) A candidate for party nomination to city office shall file his or her nomination
8 papers with the county clerk of the county not earlier than the first Wednesday
9 after the first Monday in November of the year preceding the year in which the
10 office will appear on the ballot and not later than the last Tuesday in January
11 before the day fixed by KRS Chapter 118 for holding a primary~~[election]~~ for
12 the office sought. Signatures for nomination papers shall not be affixed on the
13 document to be filed prior to the first Wednesday after the first Monday in
14 November of the year preceding the year in which the office will appear on
15 the ballot. All nomination papers shall be filed no later than 4 p.m. local time
16 when filed on the last day on which the papers are permitted to be filed;

17 (b) An independent candidate for nomination to city office shall not participate in
18 a primary, but shall file his or her nomination papers with the county clerk of
19 the county not earlier than the first Wednesday after the first Monday in
20 November of the year preceding the year in which the office will appear on
21 the ballot and not later than the second Tuesday in August before the day fixed
22 by KRS Chapter 118 for holding a regular election for the office. Signatures
23 for nomination papers shall not be affixed on the document to be filed prior to
24 the first Wednesday after the first Monday in November of the year preceding
25 the year in which the office will appear on the ballot. All nomination papers
26 shall be filed no later than 4 p.m. local time when filed on the last day on
27 which the papers are permitted to be filed; and

1 (c) A candidate for city office who is defeated in a partisan primary~~[election]~~
2 shall be ineligible as a candidate for the same office in the regular election.
3 However, if a vacancy occurs in the party nomination for which he or she was
4 an unsuccessful candidate in the primary, his or her name may be placed on
5 the voting machines for the regular election as a candidate of that party if he
6 or she has been duly made the party nominee after the vacancy occurs, as
7 provided in KRS 118.105.

8 (2) Except as provided in KRS 83A.047, nonpartisan elections of city officers shall be
9 governed by KRS 83A.050, 83A.170, 83A.175, and the following provisions,
10 regardless of the form of government or classification of the city:

11 (a) A candidate for city office shall file his or her nomination papers with the
12 county clerk of the county not earlier than the first Wednesday after the first
13 Monday in November of the year preceding the year in which the office will
14 appear on the ballot and not later than the last Tuesday in January before the
15 day fixed by KRS Chapter 118 for holding a primary for nominations for the
16 office. Signatures for nomination papers shall not be affixed on the document
17 to be filed prior to the first Wednesday after the first Monday in November of
18 the year preceding the year in which the office will appear on the ballot. All
19 nomination papers shall be filed no later than 4 p.m. local time when filed on
20 the last day on which the papers are permitted to be filed;

21 (b) Any city of the home rule class may by ordinance provide that the nomination
22 and election of candidates for city office in a nonpartisan election shall be
23 conducted pursuant to the provisions of this subsection:

24 1. A city may forgo conducting a nonpartisan primary~~[election]~~ for the
25 nomination of candidates to city office, regardless of the number of
26 candidates running for each office, and require all candidates to file their
27 nomination papers with the county clerk of the county not earlier than

- 1 the first Wednesday after the first Monday in November of the year
2 preceding the year in which the office will appear on the ballot and not
3 later than the second Tuesday in August before the day fixed by KRS
4 Chapter 118 for holding a regular election for the office. Signatures for
5 nomination papers shall not be affixed on the document to be filed prior
6 to the first Wednesday after the first Monday in November of the year
7 preceding the year in which the office will appear on the ballot;
- 8 2. All nomination papers shall be filed no later than 4 p.m. local time when
9 filed on the last day on which the papers are permitted to be filed;
- 10 3. If a city does not conduct a primary pursuant to this subsection, the
11 election of candidates to city office shall be governed by the provisions
12 of this subsection, KRS 83A.175(2) to (6), and KRS Chapters 116 to
13 121;
- 14 4. In the absence of a primary pursuant to this subsection, the number of
15 candidates equal to the number of city offices to be filled who receive
16 the highest number of votes cast in the regular election for each city
17 office shall be elected;
- 18 5. Candidates shall be subject to all other applicable election laws pursuant
19 to this chapter and KRS Chapters 116 to 121;
- 20 6. If a vacancy occurs in a candidacy for city office in any city which has
21 not held a primary pursuant to this subsection after the expiration of
22 time for filing nomination papers, or if there are fewer candidates than
23 there are offices to be filled, the vacancy in candidacy shall be filled by
24 write-in voting; and
- 25 7. At the regular election, the voters shall be instructed to vote for one (1)
26 candidate, except when there is more than one (1) candidate for which
27 voters may vote, the instruction "vote for up to candidates" shall be

1 used on the ballot; and

2 (c) A candidate for city office who is defeated in a nonpartisan primary~~[election]~~
3 shall be ineligible as a candidate for the same office in the regular election.

4 **(3) If a candidate under this section who is an incumbent in the office sought or the**
5 **only candidate for the party nomination in a partisan primary for the office dies,**
6 **is disqualified to hold the office sought, or withdraws his or her nomination**
7 **papers three (3) days or less before the last day on which nomination papers are**
8 **permitted to be filed, the time for filing nomination papers for that office shall be**
9 **reopened for a period of five (5) working days, excluding holidays and weekends.**
10 **All nomination papers filed under this subsection shall be filed no later than 4**
11 **p.m. local time on the last day on which the papers are permitted to be filed.**

12 ➔Section 2. KRS 118.165 is amended to read as follows:

13 (1) Except as provided in KRS Chapters 116 to 121, candidates for offices to be voted
14 for by the electors of one (1) county or of a district less than one (1) county, except
15 members of Congress and members of the General Assembly, shall file their
16 nomination papers with the county clerk of the county not earlier than the first
17 Wednesday after the first Monday in November of the year preceding the year the
18 office will appear on the ballot and not later than the last Tuesday in January
19 preceding the day fixed by law for holding the primary. Candidates for offices to be
20 voted for by the electors of more than one (1) county, and for members of Congress
21 and members of the General Assembly, shall file their nomination papers with the
22 Secretary of State not earlier than the first Wednesday after the first Monday in
23 November of the year preceding the year the office will appear on the ballot and not
24 later than the last Tuesday in January preceding the day fixed by law for holding the
25 primary. Signatures for nomination papers shall not be affixed on the document to
26 be filed prior to the first Wednesday after the first Monday in November of the year
27 preceding the year in which the office will appear on the ballot. All nomination

1 papers shall be filed no later than 4 p.m. local time at the place of filing when filed
2 on the last date on which the papers may be filed.

3 (2) **If a candidate under this section who is an incumbent in the office sought or the**
4 **only candidate for the party nomination in a partisan primary for the office dies,**
5 **is disqualified to hold the office sought, or withdraws his or her nomination**
6 **papers three (3) days or less before the last day on which nomination papers are**
7 **permitted to be filed, the time for filing nomination papers for that office shall be**
8 **reopened for a period of five (5) working days, excluding holidays and weekends.**
9 **All nomination papers filed under this subsection shall be filed no later than 4**
10 **p.m. local time on the last day on which the papers are permitted to be filed.**

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

15 ~~(4)~~~~(3)~~ A judge who elected to retire as a Senior Status Special Judge in accordance
16 with KRS 21.580 shall not become a candidate or a nominee for any elected office
17 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
18 number of days served by the judge acting as a Senior Status Special Judge.

19 ➔Section 3. KRS 118A.060 is amended to read as follows:

20 (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot
21 label or absentee ballot for an office of the Court of Justice without first having
22 been nominated as provided in this section.

23 (2) Each candidate for nomination shall file a petition for nomination with the Secretary
24 of State not earlier than the first Wednesday after the first Monday in November of
25 the year preceding the year in which the office will appear on the ballot and not later
26 than the last Tuesday in January preceding the day fixed by law for holding the
27 primary~~election~~ for the office. The petition shall be sworn to before an officer

1 authorized to administer an oath by the candidate and by not less than two (2)
2 registered voters from the district or circuit from which he or she seeks nomination.
3 Signatures for nomination papers shall not be affixed on the document to be filed
4 prior to the first Wednesday after the first Monday in November of the year
5 preceding the year in which the office will appear on the ballot. The petition shall
6 be filed no later than 4 p.m. local time at the place of filing when filed on the last
7 date on which the papers are permitted to be filed.

8 (3) *If a candidate under this section who is an incumbent in the office sought or the*
9 *only candidate for the office dies, is disqualified to hold the office sought, or*
10 *withdraws his or her petition for nomination three (3) days or less before the last*
11 *day on which nomination papers are permitted to be filed, the time for filing a*
12 *petition for nomination for that office shall be reopened for a period of five (5)*
13 *working days, excluding holidays and weekends. All nomination papers filed*
14 *under this subsection shall be filed no later than 4 p.m. local time on the last day*
15 *on which the papers are permitted to be filed.*

16 (4) The petition for nomination shall be in the form prescribed by the State Board of
17 Elections. The petition shall include a declaration sworn to by the candidate, that he
18 or she possesses all the constitutional and statutory requirements of the office for
19 which the candidate has filed. Titles, ranks, or spurious phrases shall not be
20 accepted on the petition and shall not be printed on the ballots as part of the
21 candidate's name; however, nicknames, initials, and contractions of given names
22 may be acceptable as the candidate's name.

23 (5)~~(4)~~ The Secretary of State shall examine the petition of each candidate to
24 determine whether it is regular on its face. If there is an error, the Secretary of State
25 shall notify the candidate by certified mail within twenty-four (24) hours of filing.
26 The order of names on the ballot for each district or circuit, and numbered division~~f~~
27 ~~thereof~~ if divisions exist, shall be determined by lot at a public drawing to be held

1 in the office of the Secretary of State at 2 p.m., standard time, on the Thursday
2 following the last Tuesday in January preceding the primary ~~election~~.

3 ~~(6)~~~~(5)~~ Not later than the date set forth in KRS 118.215(1)(a) preceding the primary ~~election~~
4 ~~election~~, and after the order of names on the ballot has been determined as required
5 in subsection (4) of this section, the Secretary of State shall:

6 (a) Certify to the county clerks of the respective counties entitled to participate in
7 the election of the various candidates, the name and place of residence of each
8 candidate for each office, by district or circuit, and numbered division ~~thereof~~
9 ~~thereof~~ if divisions exist, as specified in the petitions for nomination filed
10 with him; and

11 (b) Designate for the county clerks the office of the Court of Justice with which
12 the names of candidates shall be printed and the order in which they are to
13 appear on the ballot.

14 ~~(7)~~~~(6)~~ The ballot position of a candidate shall not be changed after the ballot position
15 has been designated by the Secretary of State.

16 ~~(8)~~~~(7)~~ The county clerks of each county shall cause to be printed on the ballot labels
17 for the voting machines and on the special ballots for the primary the names of the
18 candidates for offices in the Court of Justice.

19 ~~(9)~~~~(8)~~ The names of the candidates shall be placed on the voting machine in a
20 separate column or columns or in a separate line or lines and identified by the words
21 "Judicial Ballot." The words "Vote for one," or "Vote for one in each division,"
22 shall be printed on the ballot in an appropriate location. The office, numbered
23 division ~~thereof~~ if divisions exist, and the candidates therefor shall be clearly
24 labeled. No party designation or emblem of any kind, nor any sign indicating any
25 candidate's political belief or party affiliation, shall be used on voting machines or
26 special ballots.

27 ~~(10)~~~~(9)~~ The two (2) candidates receiving the highest number of votes for nomination

1 for justice or judge of a district or circuit, or numbered division ~~thereof~~ if
2 divisions exist, shall be nominated. Certificates of nomination shall be issued as
3 provided in KRS 118A.190.

4 ~~(11)~~~~(10)~~ If it appears after expiration of the time for filing petitions for nomination that
5 there are not more than two (2) candidates who have filed the necessary petitions for
6 a place on the ballot in the regular election, no drawing for ballot position shall be
7 held and the Secretary of State shall immediately issue and file in the Secretary's
8 office certificates of nomination, and send copies to the candidates.

9 ➔Section 4. KRS 118.225 is amended to read as follows:

10 (1) For the purpose of determining the order in which the names of candidates or slates
11 of candidates to be voted for by the electors of the entire state shall be certified and
12 printed on the ballots with the designation of the respective offices, the Secretary of
13 State shall prepare lists of the counties of each congressional district of the state. He
14 or she shall arrange the surnames of all candidates or slates of candidates for each
15 office in alphabetical order for the First Congressional District, and the names shall
16 be certified in this order to the county clerks of all the counties comprising that
17 district. For each succeeding congressional district, taken in numerical order, the
18 name appearing first for each office in the last preceding district shall be placed last,
19 and the name appearing second in the last preceding district shall be placed first,
20 and each other name shall be moved up one (1) place. The lists shall be certified
21 accordingly.

22 (2) For all other offices for which nomination papers and petitions are filed with the
23 Secretary of State, the order of names of candidates for each office shall be
24 determined by lot at a public drawing to be held in the office of the Secretary of
25 State at 2 p.m., standard time, on the Thursday following the last Tuesday in
26 January preceding the primary or the Thursday following the second Tuesday in
27 August preceding the general election.

1 (3) For all offices for which nomination papers and petitions are filed in the office of
2 the county clerk, the order in which the names of candidates for each office are to
3 be printed on the ballot shall be determined by lot at a public drawing in the office
4 of the county clerk at 2 p.m., standard time, on the Thursday following the last
5 Tuesday in January before the primary or the Thursday following the second
6 Tuesday in August preceding the general election.

7 **(4) For all offices for which the deadline for filing nomination papers and petitions**
8 **has been extended due to death, withdrawal, or disqualification under subsection**
9 **(3) of Section 1, subsection (2) of Section 2, and subsection (3) of Section 3 of**
10 **this Act, the order in which the names of candidates for each office are to be**
11 **printed on the ballot shall be determined by lot at a public drawing in the office at**
12 **the place of filing at 2 p.m., standard time, on the Thursday following the**
13 **extended filing deadline.**

14 **(5)**~~(4)~~ If the number of certified candidates or slates of candidates cannot be placed
15 on a ballot which can be accommodated on voting machines currently in use in the
16 county, the county clerk shall notify the State Board of Elections, as provided in
17 KRS 118.215.