

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 ~~first~~^{second} Tuesday ***after the first Monday***
22 in ~~June~~^{August} before the day fixed by KRS Chapter 118 for holding a
23 regular election for the office. Signatures for nomination papers shall not be
24 affixed on the document to be filed prior to the first Wednesday after the first
25 Monday in November of the year preceding the year in which the office will
26 appear on the ballot. All nomination papers shall be filed no later than 4 p.m.
27 local time when filed on the last day on which the papers are permitted to be

1 filed; and

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

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

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

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

25 1. A city may forgo conducting a nonpartisan primary election for the
26 nomination of candidates to city office, regardless of the number of
27 candidates running for each office, and require all candidates to file their

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

1 candidate, except when there is more than one (1) candidate for which
2 voters may vote, the instruction "vote for up to candidates" shall be
3 used on the ballot; and

4 (c) A candidate for city office who is defeated in a nonpartisan primary election
5 shall be ineligible as a candidate for the same office in the regular election.

6 ➔Section 2. KRS 118A.100 is amended to read as follows:

7 (1) Candidates for an unexpired term of a judicial office to be filled at a regular election
8 shall be nominated at the primary next preceding the regular election in the manner
9 prescribed in KRS 118A.060 if the vacancy occurs not later than the second
10 Tuesday in January preceding the primary. If the vacancy occurs on or after that
11 date, the election to fill the unexpired term shall be held in accordance with the
12 procedures described in this section and Section 152 of the Constitution of
13 Kentucky.

14 (2) If in a regular election for judicial office no candidates nominated as provided in
15 KRS 118A.060 are available due to death, incapacity, or withdrawal, and the
16 candidates have not been replaced as provided in KRS 118A.060, the election to fill
17 the regular term shall be conducted in the manner prescribed in subsections (3)
18 through (11) of this section.

19 (3) Each candidate shall file a petition for nomination with the Secretary of State not
20 earlier than the first Wednesday after the first Monday in November of the year
21 preceding the year in which the election for the unexpired term will be held and not
22 later than the ~~first~~^{second} Tuesday after the first Monday in ~~June~~^{August}
23 preceding the day fixed by law for holding the regular election for the unexpired
24 term. The petition shall be sworn to by the candidate and by not less than two (2)
25 registered voters from the district or circuit from which he or she seeks nomination,
26 before an officer authorized to administer an oath. Signatures for nomination papers
27 shall not be affixed on the document to be filed prior to the first Wednesday after

1 the first Monday in November of the year preceding the year in which the office
2 will appear on the ballot. The petition shall be filed no later than 4 p.m. local time at
3 the place of filing when filed on the last date on which the papers are permitted to
4 be filed.

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

12 (5) The Secretary of State shall examine the petition of each candidate to determine
13 whether it is regular on its face. If there is an error, the Secretary of State shall
14 notify the candidate by certified mail within twenty-four (24) hours of filing.

15 (6) The order of names on the ballot for each district or circuit, and numbered division~~f~~
16 ~~thereof~~ if divisions exist, shall be determined by lot at a public drawing to be held
17 in the office of the Secretary of State at 2 p.m., standard time, on the Thursday
18 following the second Tuesday in August preceding the regular election.

19 (7) Not later than the date set forth in KRS 118.215 and after the order of names on the
20 ballot has been determined as required in subsection (6) of this section, the
21 Secretary of State shall:

22 (a) Certify to the county clerks of the respective counties entitled to participate in
23 the election of the various candidates, the name and place of residence of each
24 candidate for each office, by district or circuit, and numbered division~~f~~
25 ~~thereof~~ if divisions exist, as specified in the petitions for nomination filed
26 with the Secretary of State; and

27 (b) Designate for the county clerks the office of the Court of Justice with which

1 the names of candidates shall be printed and the order in which they are to
2 appear on the ballot.

3 (8) The ballot position of a candidate shall not be changed after the ballot position has
4 been designated by the county clerk.

5 (9) The county clerks of each county shall cause to be printed on the ballot labels for
6 the voting machines and on the absentee ballots for the regular election the names
7 of the candidates for offices of the Court of Justice.

8 (10) The names of the candidates shall be placed on the voting machine in a separate
9 column or columns or in a separate line or lines and identified by the words
10 "Judicial Ballot," and in a manner so that the casting of a vote for all of the
11 candidates of a political party will not operate to cast a vote for judicial candidates.
12 The words "Vote for one" or "Vote for one in each division," shall be printed on the
13 appropriate location. The office, numbered division~~[thereof]~~ if divisions exist, and
14 the candidates therefor shall be clearly labeled. No party designation or emblem of
15 any kind, nor any sign indicating any candidate's political belief or party affiliation,
16 shall be used on voting machines or special ballots.

17 (11) The candidate receiving the highest number of votes cast at the regular election for a
18 district or circuit, or for a numbered division~~[thereof]~~ if divisions exist, shall be
19 elected.

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

24 ➔Section 3. KRS 118.365 is amended to read as follows:

25 (1) Certificates of nomination issued by the State Board of Elections shall be filed by
26 that board with the Secretary of State immediately. The certificates issued by the
27 county board of elections shall be filed by that board with the county clerk

- 1 immediately.
- 2 (2) Petitions of nomination for candidates for city offices except as provided in KRS
3 83A.047, for candidates for members of boards of education, and for candidates for
4 supervisors of soil and water conservation districts shall be filed with the county
5 clerk not earlier than the first Wednesday after the first Monday in November of the
6 year preceding the year in which the office will appear on the ballot and not later
7 than the ~~first~~^{second} Tuesday after the first Monday in ~~June~~^{August} preceding
8 the day fixed by law for the holding of regular elections for the offices sought.
- 9 (3) Candidates for an office, the nomination to which is to be made by a convention
10 pursuant to KRS 118.325(1) and (2), except for the office of electors of President
11 and Vice President of the United States, shall file the statements required by KRS
12 118.325(3), with the official designated in KRS 118.165 with whom notification
13 and declaration are filed for the office, not earlier than the first Wednesday after the
14 first Monday in November of the year preceding the year in which the office will
15 appear on the ballot and not later than the ~~first~~^{second} Tuesday after the first
16 Monday in ~~June~~^{August} preceding the regular election for the office sought.
- 17 (4) Certificates of nomination made by the governing authority of a political party
18 within the meaning of KRS 118.015 or a political organization not constituting a
19 political party within the meaning of KRS 118.015 but whose candidate received
20 two percent (2%) of the vote of the state at the last preceding election for
21 presidential electors to fill vacancies in office, as provided in KRS 118.115 and
22 118.325, shall be filed as required with the Secretary of State or county clerk not
23 earlier than the first Wednesday after the first Monday in November of the year
24 preceding the year in which the offices will appear on the ballot and not later than
25 the ~~first~~^{second} Tuesday after the first Monday in ~~June~~^{August} preceding the day
26 fixed by law for the election of the person in nomination.
- 27 (5) Except as otherwise provided in this section, petitions of nomination shall be filed

1 as required with the Secretary of State or county clerk not earlier than the first
2 Wednesday after the first Monday in November of the year preceding the year in
3 which the offices will appear on the ballot and not later than the ~~first~~
4 Tuesday *after the first Monday* in ~~June~~ preceding the day fixed by law for
5 the holding of regular elections for the offices sought. Certificates of nomination
6 shall be filed with the Secretary of State or county clerk, as required by law, not
7 earlier than the first Wednesday after the first Monday in November of the year
8 preceding the year in which the offices will appear on the ballot and not later than
9 the ~~first~~ Tuesday *after the first Monday* in ~~June~~ preceding the day
10 fixed by law for the holding of regular elections for the offices sought. The filing of
11 petitions of nomination for independent, or political organization, or political group
12 candidates shall not be accepted by the Secretary of State or the county clerk if the
13 candidate has not filed a statement-of-candidacy form as required by KRS 118.367.

14 (6) Petitions and certificates of nomination for electors of President and Vice President
15 of the United States shall be filed with the Secretary of State not earlier than the
16 first Wednesday after the first Monday in November of the year preceding the year
17 in which there is an election for President and Vice President of the United States
18 and not later than the Friday following the first Tuesday in September preceding the
19 date fixed by law for the election of the electors.

20 (7) Petitions for recall elections or elections on public questions shall be filed as
21 required with the county clerk not later than the second Tuesday in August
22 preceding the day fixed by law for holding a regular election.

23 (8) Petitions of any kind named in this section, statements, and certificates of
24 nomination shall be filed no later than 4 p.m. local time at the place of filing when
25 filed on the last date on which papers are permitted to be filed.