

1 AN ACT relating to special purpose governmental entities.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65A IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) This section applies to any ad valorem tax or fee, levied by a special purpose*
6 *governmental entity, that is not otherwise required by statute or ordinance to be*
7 *adopted or approved through an official act of an establishing entity.*

8 *(2) As used in this section, "compensating tax rate" has the same meaning as in*
9 *KRS 132.010 and applies to all special purpose governmental entities with the*
10 *authority to levy ad valorem taxes, regardless of whether the special purpose*
11 *governmental entity is subject to Section 2 of this Act or any other provision of*
12 *the Kentucky Revised Statutes that requires advertisement or allows for voter*
13 *recall.*

14 *(3) (a) Notwithstanding any other provision of the Kentucky Revised Statutes, any*
15 *special purpose governmental entity proposing to levy:*

16 *1. An ad valorem tax rate or rates for the upcoming year that are*
17 *projected to generate more revenues than would be generated by the*
18 *levy of the compensating tax rate; or*

19 *2. An ad valorem tax for the first time;*
20 *shall submit in writing the proposed rate or rates to the establishing entity.*

21 *If the establishing entity includes more than one (1) city or county, or if*
22 *there is no establishing entity, the rate or rates shall be submitted to the*

23 *governing body of the city or county in which the largest number of citizens*
24 *served by the special purpose governmental entity reside. If the special*

25 *purpose governmental entity serves only the residents of a city, the notice*
26 *shall be provided to the governing body of that city. The rate or rates shall*

27 *be submitted no later than seven (7) days after the adoption of the*

1 ordinance, order, resolution, or motion to levy a tax rate that exceeds the
2 compensating tax rate, or to levy a new ad valorem tax.

3 (b) The governing body of the city or county to which the rate or rates were
4 submitted shall have thirty (30) days from the date of submission to:

5 1. Approve or fail to act on the proposed rate or rates, in which case the
6 proposed rate or rates may be implemented by the special purpose
7 governmental entity after all other statutory requirements for levying
8 the rate or rates are met; or

9 2. Disapprove the proposed rate or rates by a majority vote of the
10 governing body, in which case the following shall apply:

11 a. If the special purpose governmental entity levied an ad valorem
12 tax during the current year, the special purpose governmental
13 entity may levy a rate or rates for the upcoming year that do not
14 exceed the compensating tax rate; and

15 b. If the special purpose governmental entity is proposing an initial
16 levy, the levy shall not be imposed, and the special purpose
17 governmental entity shall wait at least one (1) year before
18 proposing another ad valorem tax levy.

19 (c) Upon request of a special purpose governmental entity, the DLG shall
20 calculate rates on behalf of the special purpose governmental entity.

21 (4) (a) Notwithstanding any other provision of the Kentucky Revised Statutes, any
22 special purpose governmental entity proposing the imposition of a new fee,
23 or a fee which is expected to produce increased revenues as compared to
24 revenues generated during the prior fiscal year, and that is not subject to an
25 approval process for the proposed fee under another provision of the
26 Kentucky Revised Statutes or administrative regulations promulgated
27 pursuant thereto, shall submit the proposed fee to the establishing entity. If

1 the establishing entity includes more than one (1) city or county, or if there
2 is no establishing entity, the fee shall be submitted to the governing body of
3 the city or county in which the largest number of citizens served by the
4 special purpose governmental entity reside, except as provided in subsection
5 (5) of this section. If the special purpose governmental entity serves only the
6 residents of a city, the notice shall be provided to the governing body of that
7 city. The proposed fee shall be submitted to the relevant city or county no
8 later than forty-five (45) days prior to the scheduled implementation of the
9 fee.

10 (b) The governing body of the city or county shall have thirty (30) days from the
11 date of submission to:

12 1. Approve or fail to act on the proposed fee, in which case the proposed
13 fee may be implemented by the special purpose governmental entity
14 after all other statutory requirements for levying the fee are met; or

15 2. Disapprove the proposed fee by a majority vote of the governing body,
16 in which case the following shall apply:

17 a. If a proposed increase of an existing fee is disapproved, any fee
18 then in existence shall remain unchanged, and the special
19 purpose governmental entity shall not seek to increase the fee
20 again for at least one (1) year from the date of the submission of
21 the disapproved fee increase; and

22 b. If a proposed initial fee is disapproved, the special purpose
23 governmental entity shall not seek to impose the fee again for at
24 least one (1) year from the date of the submission of the
25 disapproved initial fee.

26 (5) The requirements established by subsection (4) of this section shall not apply to
27 the following:

- 1 (a) Rental fees;
- 2 (b) Fees established by contractual arrangement;
- 3 (c) Admission fees;
- 4 (d) Fees or charges to recover costs incurred by a special purpose governmental
5 entity for the connection, restoration, relocation, or discontinuation of any
6 service requested by any person;
- 7 (e) Any penalty, interest, sanction, or other fee or charge imposed by a special
8 purpose governmental entity for a failure to pay a charge or fee, or for the
9 violation or breach of or failure to pay or perform as agreed pursuant to a
10 contractual agreement or as reflected in a published schedule;
- 11 (f) Amounts charged to customers or contractual partners for nonessential
12 services provided on a voluntary basis;
- 13 (g) Fees or charges authorized under federal law that pursuant to federal law
14 may not be regulated by the Commonwealth or local governments within
15 the Commonwealth;
- 16 (h) Purchased water or sewage treatment adjustments, as authorized by KRS
17 278.015, made by a special purpose governmental entity as a direct result of
18 a rate increase by its wholesale water supplier or wholesale sewage
19 treatment provider;
- 20 (i) Any new fee or fee increase for which a special purpose governmental entity
21 must obtain prior approval from the Public Service Commission pursuant to
22 KRS Chapter 278;
- 23 (j) Other charges or fees imposed by a special purpose governmental entity for
24 the provision of any service that is also available on the open market; or
- 25 (k) Fees or charges imposed by municipal utilities for the provision of power,
26 water, wastewater, natural gas, or telecommunications services, unless
27 submission is otherwise required by statute or an ordinance adopted by the

1 establishing entity.

2 (6) (a) Subsections (3) and (4) of this section shall not be interpreted as
 3 transferring any tax-levying or fee-levying authority granted to a special
 4 purpose governmental entity under any other provision of the Kentucky
 5 Revised Statutes to cities and counties charged with reviewing tax and fee
 6 increases under this section.

7 (b) This section shall not be interpreted to grant tax-levying or fee-levying
 8 authority on behalf of special purpose governmental entities to any city or
 9 county reviewing tax rates or fees proposed by a special purpose
 10 governmental entity and subject to review under this section.

11 (7) This section shall apply independently of and in addition to any other statutory
 12 requirements and provisions relating to the levy of ad valorem taxes or fees by
 13 special purpose governmental entities, including statutory rate limits, public
 14 hearing requirements, and recall provisions, and shall not be interpreted to
 15 circumvent, supplant, or otherwise replace those requirements and provisions.

16 (8) The provisions of this section shall not be interpreted as limiting the ability of any
 17 city, county, or other establishing entity to impose reporting or submission
 18 requirements that are more stringent than those established in this section.

19 ➔Section 2. KRS 132.023 is amended to read as follows:

20 (1) No special purpose governmental entity shall levy a tax rate which exceeds the
 21 compensating tax rate until the taxing district has complied with the provisions of
 22 Section 1 of this Act and subsection (2) of this section.

23 (2) (a) A special purpose governmental entity proposing to levy a tax rate which
 24 exceeds the compensating tax rate shall submit the proposed rate as required
 25 by Section 1 of this Act and shall hold a public hearing to hear comments
 26 from the public regarding the proposed tax rate. The hearing shall be held in
 27 the same location where the governing body of the city or county where the

1 largest number of citizens served by the special purpose governmental entity
2 reside meets, and shall be held immediately before a regularly scheduled
3 meeting of that governing body.

4 (b) The special purpose governmental entity shall advertise the hearing by causing
5 to be published at least twice in two (2) consecutive weeks, in the newspaper
6 of largest circulation in the county, a display type advertisement of not less
7 than twelve (12) column inches, the following:

- 8 1. The tax rate levied in the preceding year, and the revenue produced by
9 that rate;
- 10 2. The tax rate proposed for the current year and the revenue expected to be
11 produced by that rate;
- 12 3. The compensating tax rate and the revenue expected from it;
- 13 4. The revenue expected from new property and personal property;
- 14 5. The general areas to which revenue in excess of the revenue produced in
15 the preceding year is to be allocated;
- 16 6. A time and place for the public hearing which shall be held not less than
17 seven (7) days, nor more than ten (10) days, after the day that the second
18 advertisement is published;
- 19 7. The purpose of the hearing; and
- 20 8. A statement to the effect that the General Assembly has required
21 publication of the advertisement and the information contained therein.

22 (c) In lieu of the two (2) published notices, a single notice containing the required
23 information may be sent by first-class mail to each person owning real
24 property in the special purpose governmental entity, addressed to the property
25 owner at his residence or principal place of business as shown on the current
26 year property tax roll.

27 (d) The hearing shall be open to the public. All persons desiring to be heard shall

1 be given an opportunity to present oral testimony. The special purpose
2 governmental entity may set reasonable time limits for testimony.

3 (3) (a) That portion of a tax rate levied by an action of a special purpose
4 governmental entity which will produce revenue from real property, exclusive
5 of revenue from new property, more than four percent (4%) over the amount
6 of revenue produced by the compensating tax rate shall be subject to a recall
7 vote or reconsideration by the special purpose governmental entity, as
8 provided for in KRS 132.017, and shall be advertised as provided in paragraph
9 (b) of this subsection.

10 (b) The special purpose governmental entity shall, within seven (7) days
11 following adoption of an ordinance, order, resolution, or motion to levy a tax
12 rate which will produce revenue from real property, exclusive of revenue from
13 new property, more than four percent (4%) over the amount of revenue
14 produced by the compensating tax rate, cause to be published, in the
15 newspaper of largest circulation in the county, a display type advertisement of
16 not less than twelve (12) column inches the following:

- 17 1. The fact that the taxing district has adopted a rate;
- 18 2. The fact that the part of the rate which will produce revenue from real
19 property, exclusive of new property, in excess of four percent (4%) over
20 the amount of revenue produced by the compensating tax rate is subject
21 to recall; and
- 22 3. The name, address, and telephone number of the county clerk of the
23 county in which the special purpose governmental entity is located, with
24 a notation to the effect that that official can provide the necessary
25 information about the petition required to initiate recall of the tax rate.

26 ➔Section 3. KRS 75.031 is amended to read as follows:

27 (1) (a) 1. Upon creation of a fire protection district or a volunteer fire department

1 district as provided in KRS 75.010, the affairs of the district shall be
2 conducted by the board of trustees consisting of seven (7) members, four
3 (4) to be elected by the members of the district as hereinafter set out and
4 three (3) to be appointed by the county judge/executive or mayor in a
5 consolidated local government pursuant to the provisions of KRS
6 67C.139.

7 2. Two (2) members of the board of trustees shall be elected by the
8 members of the firefighters of the district and shall be members of the
9 district.

10 3. Two (2) members of the board of trustees shall be property owners who
11 own real or personal property which is subject to the fire protection tax
12 pursuant to KRS 75.040, who personally reside in the district, and who
13 are not active firefighters and shall be elected by the property owners of
14 the district. Property owners voting to select representatives to the board
15 of trustees shall have attained the age of eighteen (18).

16 4. a. The county judge/executive of the county in which the greater part
17 of the district is located shall, with the approval of the fiscal court,
18 appoint three (3) members of the board of trustees.

19 b. In counties containing a city of the first class, trustees appointed by
20 the county judge/executive to serve in volunteer fire prevention
21 districts shall reside within the boundaries of that county.

22 c. In counties governed by a consolidated local government, trustees
23 appointed by the mayor to serve in volunteer fire prevention
24 districts shall reside within the boundaries of the consolidated
25 local government.

26 5. a. At the first election held after the district is formed, one (1)
27 firefighter shall be elected to serve on the board of trustees for a

1 period of one (1) year and one (1) for a period of three (3) years,
2 and one (1) nonfirefighter property owner shall be elected to serve
3 on the board of trustees for a period of two (2) years and one (1)
4 for a period of four (4) years. On the expiration of the respective
5 terms, the successor to each shall have the same qualifications as
6 his or her predecessor and shall be elected for a term of four (4)
7 years.

8 **b.** The original appointed members of the board of trustees shall be
9 appointed for terms of one (1), two (2), and three (3) years
10 respectively. On the expiration of the respective terms, the
11 successors to each shall be appointed for a term of three (3) years.

12 **c.** Upon the establishment of a consolidated local government,
13 incumbent members shall continue to serve until the expiration of
14 their current term of office.

15 **d.** In the event of a vacancy in the term of an appointed or elected
16 trustee, the county judge/executive shall appoint with the approval
17 of the fiscal court a trustee for the remainder of the term, except in
18 a county containing a consolidated local government.

19 **e.** In a county containing a consolidated local government, the mayor
20 pursuant to the provisions of KRS 67C.139 shall appoint a trustee
21 for the remainder of the term.

22 (b) An appointed trustee may be removed from office as provided by KRS
23 65.007.

24 (c) No person shall be an elected trustee who, at the time of his or her election, is
25 not a citizen of Kentucky and has not attained the age of twenty-one (21).

26 (d) Unless otherwise provided by law, an elected firefighter trustee may be
27 removed from office by the mayor of a consolidated local government, or in a

1 county not containing a consolidated local government, by the county
2 judge/executive of the county in which the greater part of the district is
3 located. An elected firefighter trustee may be removed after a hearing with
4 notice as required by KRS Chapter 424, for inefficiency, neglect of duty,
5 malfeasance, or conflict of interest. The hearing shall be initiated and chaired
6 by the county judge/executive of a county or the mayor of a consolidated local
7 government, who shall prepare a written statement setting forth the reasons for
8 removal. The trustee to be removed shall be notified of his or her proposed
9 removal and the reasons for the proposed removal by registered mail sent to
10 his or her last known address at least ten (10) days prior to the hearing. The
11 person proposed to be removed may employ counsel to represent him or her.
12 A record of the hearing shall be made by the county judge/executive or mayor
13 respectively.

14 (e) The removal of an elected firefighter trustee of a fire protection district shall
15 be subject to the approval of the fiscal court of the county in which the greater
16 part of the district is located in those counties not containing a consolidated
17 local government or the legislative council in a county containing a
18 consolidated local government.

19 (f) An elected firefighter trustee removed pursuant to paragraphs (d) and (e) of
20 this subsection may appeal, within ten (10) days of the rendering of the
21 decision of the fiscal court or legislative council, respectively, to the Circuit
22 Court of the county in which the greater part of the district is located. The
23 scope of the appeal shall be limited to whether the county judge/executive,
24 mayor, legislative council, or the fiscal court respectively, abused their
25 discretion in removing the trustee.

26 (2) (a) The firefighter elective offices of members of the board of trustees shall be
27 filled by an election to be held ~~once~~ each year prior to the expiration of an

1 *elective term* on the fourth Saturday of June between the hours of 11:00 a.m.
2 and 2:00 p.m. The polls shall be located at the principal fire house in the
3 district. The date, time, and place of the election shall be advertised in
4 accordance with KRS 424.120. This notice shall be advertised at least thirty
5 (30) days prior to the election date and shall include the names and addresses
6 of the candidates to be voted on for each position of trustee. In lieu of the
7 published notice for the election of the firefighter trustees, written notice
8 containing the information required to be advertised may be sent by first-class
9 mail to each member of the firefighters of the fire protection district or
10 volunteer fire department district, addressed to the firefighter at his or her
11 residence, at least thirty (30) days prior to the election date.

12 **(b) *The nonfirefighter property owner elective offices of members of the board***
13 ***of trustees shall be filled by an election to be held each year prior to the***
14 ***expiration of an elective term in a regular election on the Tuesday next after***
15 ***the first Monday in November. The polls shall be located at the regular***
16 ***polling precincts for precincts that include all or part of a fire protection***
17 ***district or a volunteer fire department district. The date, time, and place of***
18 ***the election shall be advertised in accordance with KRS 424.120. This notice***
19 ***shall be advertised at least thirty (30) days prior to the election date and***
20 ***shall include the names and addresses of the candidates to be voted on for***
21 ***each position of trustee.***

22 **(c)** The nominations for candidates for trustees both representing the firefighters
23 and the property owners residing in the district shall be made in accordance
24 with the bylaws of the department. The terms of the three (3) trustees
25 appointed by the county judge/executive or mayor shall start at the same time
26 as the terms of the elected trustees. On or before the beginning of the second
27 fiscal or calendar year, depending on which basis the fire protection or

1 volunteer fire department district is being operated, after June 16, 1966, all
2 departments organized prior to June 16, 1966, shall increase their boards of
3 trustees from three (3) to seven (7) members and elect the elective members in
4 the manner set forth herein.

5 (3) The trustees shall elect from their number a chairman, a secretary, and a treasurer,
6 the latter of whom shall give bond in an amount as shall be determined by the
7 county judge/executive of the county in which the greater part of the fire protection
8 district is located or the mayor in a consolidated local government, conditioned
9 upon the faithful discharge of the duties of his or her office, and the faithful
10 accounting for all funds which may come into his or her possession as treasurer.
11 The premiums on the bonds shall be paid out of the funds of the district.

12 ➔Section 4. KRS 117.055 is amended to read as follows:

13 Subject to KRS 117.0551 to 117.0555:

14 (1) Each county shall be divided into election precincts by the county board of
15 elections. Each election precinct shall be composed of contiguous and, as nearly as
16 practicable, compact areas having clearly definable boundaries and wholly
17 contained within any larger district. The county board of elections shall establish
18 precincts so that no boundary of a precinct crosses the boundary of:

19 (a) The Commonwealth;

20 (b) A county or urban-county;

21 (c) A congressional district;

22 (d) A state senatorial district;

23 (e) A state representative district;

24 (f) A justice of the peace or county commissioner's district established under
25 KRS Chapter 67; or

26 (g) An aldermanic ward established under KRS 83.440.

27 (2) The county board of elections shall have the authority to draw precinct lines so as to

1 enable more than one (1) precinct to vote at one (1) location. The county board of
2 elections shall review election precinct boundaries as often as necessary. Without
3 exception, they shall review the boundaries of all election precincts exceeding seven
4 hundred (700) votes cast in the last regular election prior to each primary election,
5 and the State Board of Elections may require a written report at least sixty (60) days
6 prior to the candidate filing deadline set forth in KRS 118.165(1) on each election
7 precinct exceeding seven hundred (700) votes cast in the last regular election.
8 Consideration to the division of said election precincts should be based on the
9 anticipated growth factor within the specified boundaries; however, the county
10 board of elections shall not be prohibited from dividing election precincts in excess
11 of seven hundred (700) votes cast in the last regular election or less than seven
12 hundred (700) votes cast in the last regular election if they elect to do so. However,
13 the State Board of Elections may, in its discretion, withhold from a county the
14 expenses of an election under KRS 117.345 for any precinct containing more than
15 one thousand five hundred (1,500) registered voters, excluding those precincts
16 utilizing optical scan voting machines and those periods of time in which the
17 precinct boundaries have been frozen under KRS 117.056.

18 (3) No election precinct shall be created, divided, abolished, or consolidated or the
19 boundaries therein changed prior to any primary election to comply with the
20 provisions of KRS 117.055 to 117.0555 and KRS 117.0557 later than the last date
21 prescribed by election law generally for filing notification and declaration forms
22 with the county clerk or Secretary of State. No election precinct shall be created,
23 divided, abolished, or consolidated or the boundaries therein changed prior to any
24 general election to comply with the provisions of KRS 117.055 to 117.0555 and
25 KRS 117.0557 later than the last date prescribed by election law generally for filing
26 certificates or petitions of nomination with the county clerk or Secretary of State.

27 (4) The county board of elections shall designate the name or number and the

1 boundaries of the election precincts. Each precinct shall contain, as nearly as
2 practicable, an equal number of voters, based on the number of registered voters in
3 the county.

4 (5) A map and listing of the exact election precinct boundaries shall be filed by the
5 county board of elections with the State Board of Elections, and any changes in
6 boundaries thereafter made shall also be filed with the State Board of Elections. A
7 copy of this map indicating all precinct boundaries within the county shall be
8 included in the election supplies of each precinct.

9 (6) If the county board of elections fails to perform any of the duties required by KRS
10 117.055 to 117.0555 and KRS 117.0557:

11 (a) The State Board of Elections or any citizen and voter of the county may apply
12 to the Circuit Court of the county for a summary mandatory order requiring
13 the board to perform the duty. Appeals may be taken to the Court of Appeals
14 by either party; and

15 (b) The State Board of Elections shall not submit claims for payments to the
16 county under KRS 117.343 and 117.345 until the State Board of Elections
17 determines in writing that the duty has been performed.

18 (7) The county board of elections shall coordinate all precinct boundary changes with
19 the affected school board, magisterial, and municipal boundaries.

20 **(8) If any precinct within a county contains all or part of a fire protection district or**
21 **a volunteer fire department district created in accordance with KRS 75.010, then**
22 **the county board of elections shall maintain a register of property owners within**
23 **the fire protection district or volunteer fire department district and allow only**
24 **those property owners to vote for the nonfirefighter property owner elective**
25 **offices of members of the board of trustees of a fire protection district or**
26 **volunteer fire department district in accordance with Section 3 of this Act.**

27 ➔Section 5. KRS 118.305 is amended to read as follows:

- 1 (1) Except as provided in KRS 118.345, and subject to the provisions of subsections
2 (2), (3), and (4) of this section, the county clerk of each county shall cause to be
3 printed for the voting machines and on the absentee ballots for the regular election
4 the names of the following persons:
- 5 (a) Candidates of a political party, as defined in KRS 118.015, who have received
6 certificates of nomination at the preceding primary, or certificates of
7 nomination under KRS 118.185, and whose certificates of nomination have
8 been filed with the Secretary of State or the appropriate county clerk;
- 9 (b) Candidates of a political party, as defined in KRS 118.015, who have been
10 nominated for an unexpired term in a manner determined by the governing
11 authority of the party, as provided in KRS 118.115, and whose evidences of
12 nomination have been filed with the Secretary of State or the appropriate
13 county clerk within the time prescribed in this chapter;
- 14 (c) Candidates of a political party, as defined in KRS 118.015, who have been
15 nominated by the governing authority of the party to fill a vacancy in the
16 candidacy of a person nominated at the preceding primary election, as
17 provided in KRS 118.105, and whose certificates of nomination have been
18 filed with the Secretary of State or the appropriate county clerk, by at least the
19 date provided by the election law generally for such filing;
- 20 (d) Candidates who have been nominated by a political organization as provided
21 in KRS 118.325 and whose certificates or petitions of nomination have been
22 filed with the Secretary of State or the appropriate county clerk within the
23 time prescribed in this chapter;
- 24 (e) Independent candidates who have been nominated by petition as provided in
25 KRS 118.315, and whose petitions of nomination have been filed with the
26 Secretary of State or the appropriate county clerk within the time prescribed in
27 this chapter;

- 1 (f) Successful nominees of all nonpartisan primaries which shall have been
2 conducted;
- 3 (g) Candidates who have filed a petition of candidacy as shall be required to fill a
4 vacancy which shall appear on the ballot;
- 5 (h) The county clerk shall determine whether the name of any replacement
6 candidate who has been nominated as provided in KRS 118.105(5) may be
7 placed on the machine ballot or ballot cards and whether the voting machine
8 may be reprogrammed to count the votes cast for that candidate or whether the
9 ballot or ballot cards must be reprinted to accommodate votes cast for any
10 replacement candidate and shall take the appropriate action to accommodate
11 the replacement of any candidate. If the county clerk determines that the name
12 of any replacement candidate cannot be accommodated on the existing ballot
13 or ballot cards and if there is insufficient time before the election to reprint the
14 entire ballot, the county clerk shall request approval to use supplemental paper
15 ballots for voting for that office only in the same manner as permitted for
16 other situations as provided in KRS 118.215(5), and, if approved, shall have
17 an adequate number of supplemental paper ballots printed for voting for that
18 office and only votes cast for that office by means of the supplemental paper
19 ballots shall be tabulated and recorded by the precinct election officers and
20 county board of elections. All actions by a county clerk, the State Board of
21 Elections, and the Secretary of State which are necessary to provide for voting
22 at a regular election for candidates nominated pursuant to KRS 118.105(5)
23 shall be carried out with all possible speed. When a candidate has been
24 replaced as provided in KRS 118.105(5) after absentee ballots have been
25 printed and distributed for the regular election, neither the precinct election
26 officers nor the county board of elections shall tabulate or record any absentee
27 votes cast for the candidate who was replaced. If ballots are reprinted or

1 supplemental paper ballots are printed, or if voting machines must be
2 reprogrammed to count the votes cast for a replacement candidate, the costs
3 for the printing and reprogramming shall be paid by the political party who
4 has nominated a replacement candidate, or proportionately by each political
5 party if each party nominates a replacement candidate;

6 (i) Candidates for President and Vice President of the United States, of those
7 political parties and organizations who have nominated presidential electors as
8 provided in KRS 118.325, if the certificate of nomination of the electors has
9 been filed with the Secretary of State within the time prescribed in this
10 chapter;

11 (j) Candidates for soil and water district supervisors who have been nominated
12 by petition as provided in KRS 262.210;~~and~~

13 (k) Candidates for city office for which no nonpartisan primary has been
14 conducted in a city which requires nonpartisan city elections; **and**

15 **(l) Candidates for nonfirefighter property owner members of the board of**
16 **trustees of a fire protection district or a volunteer fire department district**
17 **created in accordance with KRS 75.010.**

18 (2) Any candidate for city office who is defeated in a partisan or nonpartisan primary
19 shall be ineligible as a candidate for the same office in the regular election.

20 (3) Candidates for members of boards of education shall have their names printed on
21 ballot labels and absentee ballots for the regular election only after filing as
22 provided in KRS 160.220.

23 (4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be
24 printed upon the ballot labels and absentee ballots for any regular election as the
25 nominee of any political party, as defined in KRS 118.015, or under the emblem of
26 any political party, as so defined, except those candidates who have been duly and
27 regularly nominated as nominees of that party at a primary held as provided in this

1 chapter.

2 (5) No county clerk shall knowingly cause to be printed, upon the ballot labels or
3 absentee ballots for any regular election, the name of any candidate of a political
4 party, as defined in KRS 118.015, who has not been nominated in the manner
5 provided in the primary election laws or the name of any candidate who is not in
6 compliance with the restrictions concerning party registration and candidacy
7 provided in of KRS 118.315(1).

8 (6) The names of candidates for President and Vice President shall be certified in lieu
9 of certifying the names of the candidates for presidential electors.

10 (7) When a vacancy occurs in an elective office which is required by law to be filled
11 temporarily by appointment, the officer or body designated by law to make the
12 appointment, or in the case of an office to be filled by appointment from a list of
13 nominations, the officer or body designated by law to make the nominations, shall
14 immediately notify in writing both the county clerk and Secretary of State of the
15 vacancy.

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

20 ➔Section 6. KRS 118.315 is amended to read as follows:

21 (1) A candidate for any office to be voted for at any regular election may be nominated
22 by a petition of electors qualified to vote for him or her, complying with the
23 provisions of subsection (2) of this section. No person whose registration status is
24 as a registered member of a political party shall be eligible to election as an
25 independent, or political organization, or political group candidate, nor shall any
26 person be eligible to election as an independent, or political organization, or
27 political group candidate whose registration status was as a registered member of a

1 political party on January 1 immediately preceding the regular election for which
2 the person seeks to be a candidate. This restriction shall not apply to candidates to
3 those offices specified in KRS 118.105(7), for supervisor of a soil and water
4 conservation district, for candidates for mayor or legislative body in cities of the
5 home rule class, or to candidates participating in nonpartisan elections.

6 (2) The form of the petition shall be prescribed by the State Board of Elections. It shall
7 be signed by the candidate and by registered voters from the district or jurisdiction
8 from which the candidate seeks nomination. The petition shall include a declaration,
9 sworn to by the candidate, that he or she possesses all the constitutional and
10 statutory requirements of the office for which the candidate has filed. Signatures for
11 a petition of nomination for a candidate seeking any office, excluding President of
12 the United States in accordance with KRS 118.591(1), 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 the
15 ballot. Signatures for nomination papers shall not be affixed on the document to be
16 filed prior to the first Wednesday after the first Monday in November of the year
17 preceding the year in which the office will appear on the ballot. A petition of
18 nomination for a state officer, or any officer for whom all the electors of the state
19 are entitled to vote, shall contain five thousand (5,000) petitioners; for a
20 representative in Congress from any congressional district, or for any officer from
21 any other district except as herein provided, four hundred (400) petitioners; for a
22 county officer, member of the General Assembly, or Commonwealth's attorney, one
23 hundred (100) petitioners; for a soil and water conservation district supervisor,
24 twenty-five (25) petitioners; for a city officer or board of education member, two (2)
25 petitioners; and for an officer of a division less than a county, including fire
26 protection districts and volunteer fire department districts, except as herein
27 provided, twenty (20) petitioners. It shall not be necessary that the signatures of the

1 petition be appended to one (1) paper. Each petitioner shall include the date he or
2 she affixes the signature, address of residence, and date of birth. Failure of a voter
3 to include the signature affixation date, date of birth, and address of residence shall
4 result in the signature not being counted. If any person joins in nominating, by
5 petition, more than one (1) nominee for any office to be filled, he or she shall be
6 counted as a petitioner for the candidate whose petition is filed first, except a
7 petitioner for the nomination of candidates for soil and water conservation district
8 supervisors may be counted for every petition to which his or her signature is
9 affixed.

10 (3) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall
11 not be printed on the ballots as part of the candidate's name; however, nicknames,
12 initials, and contractions of given names may be accepted as the candidate's name.

13 (4) The Secretary of State and county clerks shall examine the petitions of all
14 candidates who file with them to determine whether each petition is regular on its
15 face. If there is an error, the Secretary of State or the county clerk shall notify the
16 candidate by certified mail within twenty-four (24) hours of filing.

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

21 ➔Section 7. KRS 132.025 is amended to read as follows:

22 (1) In the event that the tax rate levied by an action of a taxing district, other than the
23 state, counties, school districts, cities, and urban-county governments, for 1979-80,
24 1980-81, or 1981-82 produced a percentage increase in revenue from personal
25 property less than the percentage increase in revenue from real property for the
26 respective year, the taxing district, other than the state, counties, school districts,
27 cities, and urban-county governments, may levy a tax rate applicable to personal

1 property for 1982-83 only, which will produce the same cumulative percentage
2 increase in revenue from personal property as was produced from real property in
3 1979-80, 1980-81 and 1981-82. Such a tax rate may be in addition to the tax rate
4 levied under the provisions of KRS 132.024.

5 (2) The tax rate levied under the provision of KRS 132.024 and subsection (1) of this
6 section shall not exceed the tax rate applicable to personal property levied by the
7 respective taxing district, other than the state, counties, school districts, cities, and
8 urban-county governments, in 1981-82.

9 (3) The tax rate applicable to personal property levied by a taxing district, other than
10 the state, counties, school districts, cities, and urban-county governments shall not
11 be subject to the public hearing provisions of KRS 132.023~~(2)~~~~(3)~~ and to the recall
12 provisions of KRS 132.023~~(3)~~~~(4)~~.

13 ➔Section 8. The following KRS section is repealed:

14 65A.100 Fees and ad valorem taxes levied by special purpose governmental entities --
15 Reporting to governing body of city or county -- Reporting exceptions.

16 ➔Section 9. This Act takes effect January 1, 2019.