

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 67C.103 is amended to read as follows:

- 4 (1) The legislative authority of a consolidated local government, except as otherwise
5 specified in KRS 67C.101 to 67C.137, shall be vested in a consolidated local
6 government council. The members of the council shall be nominated and elected by
7 district. There shall be only one (1) council member elected from each council
8 district.
- 9 (2) There shall be twenty-six (26) council districts. The initial boundaries, population,
10 and numerical designation of the council districts shall be as specified by KRS
11 67C.135. The population of the council districts shall be as nearly equal as is
12 reasonably possible. For any newly consolidated local governments whose officials
13 take office in 2003, upon taking office, the legislative council may take action to
14 adjust the boundaries and population of the districts in order to equalize the
15 population of the districts which may have changed as a result of recent census
16 information. Any changes made to alter the boundaries of council districts shall be
17 based on the population of the county as determined by the most recent United
18 States Census or official census estimates as provided by the United States Bureau
19 of the Census.
- 20 (3) Following the official publication of each decennial census by the United States
21 Bureau of the Census for the area embraced by a consolidated local government, the
22 council shall adopt an ordinance, if necessary, to redistrict the council districts. A
23 redistricting ordinance shall provide for the distribution of population among the
24 council districts as nearly equal as is reasonably possible. Every council district
25 shall be compact and contiguous and shall respect existing neighborhood,
26 community, and city boundaries whenever possible.
- 27 (4) The consolidated local government council members shall serve for a term of four

- 1 (4) years beginning on the first Monday in January following their election, except
2 that the initial election of council members shall be in a manner as to provide for
3 staggered terms for council members. At the initial election of the members of a
4 consolidated local government council, those representing even-numbered districts
5 shall be elected for a two (2) year term. Those representing odd-numbered districts
6 shall be elected for a four (4) year term. Thereafter, all council members shall be
7 elected for four (4) year terms.
- 8 (5) The members of a consolidated local government council shall be nominated ***in a***
9 ***nonpartisan primary*** and elected ***in a nonpartisan election*** from the district in
10 which they reside, ***unless the consolidated local government requires partisan***
11 ***elections under Section 4 of this Act. The nonpartisan primary and election shall***
12 ***be conducted in accordance with Section 3 of this Act*** ~~in partisan elections]. After~~
13 the initial terms of office of the first elected council members, council members
14 shall be elected in the same election years as other local government officials as
15 regulated by the regular election laws of the Commonwealth and as provided in
16 subsection (4) of this section.
- 17 (6) No person shall be eligible to serve as a member of a consolidated local government
18 council unless he or she is at least eighteen (18) years old, a qualified voter, and a
19 resident within the territory of the consolidated local government and the district
20 that he or she seeks to represent for at least one (1) year immediately prior to the
21 person's election. A council member shall continue to reside within the district from
22 which he or she was elected throughout the term of office.
- 23 (7) The presiding officer of a consolidated local government council shall be a
24 president who shall be chosen annually by a majority vote of the entire council from
25 among its members at the first meeting of the council in January. The council
26 president has the right to introduce any resolution or recommend any ordinance and
27 shall be entitled to vote on all matters.

- 1 (8) The consolidated local government council shall upon notice meet within seven (7)
2 days after its members have taken office, and shall thereafter hold at least one (1)
3 regular meeting per month. No newspaper notice shall be required for regular or
4 special meetings of the consolidated local government council. However, notice of
5 all meetings of the council and all meetings of committees of the council shall be
6 held pursuant to KRS 61.805 to 61.850.
- 7 (9) A majority of the members of the consolidated local government council shall
8 constitute a quorum, but a smaller number may adjourn from day to day. The
9 consolidated local government council may enforce the attendance of members by
10 rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the
11 entire membership of the council may call a special meeting at any time. Meetings
12 shall be held in such places in the county as are provided by ordinance, and the
13 place of meetings shall not be changed except by an ordinance for which two-thirds
14 (2/3) of the members of the consolidated local government council have voted.
- 15 (10) The council shall determine its own rules and order of business, and keep and
16 provide a public record of its proceedings. The council shall provide for the
17 publication of all ordinances in a composite code of ordinances.
- 18 (11) Council ordinances that prescribe penalties for their violation shall be enforced
19 through the entire area of the consolidated local government unless:
- 20 (a) Otherwise provided by statute; or
- 21 (b) The legislative body of any city within the consolidated local government area
22 has adopted an ordinance pertaining to the same subject matter that is the
23 same as or more stringent than the standards set forth in the consolidated local
24 government's ordinance.
- 25 (12) In the case of a vacancy on the consolidated local government council by reason of
26 death, resignation, or removal, the council by majority vote of the membership of
27 the council shall elect a qualified resident of the council district not later than thirty

1 (30) days after the date the vacancy occurs. Should the council fail to elect, by
2 majority vote of the membership of the council, a qualified person to fill the
3 vacancy within thirty (30) days, the mayor of the consolidated local government
4 shall fill the vacancy by appointment of a qualified person for the unexpired term.

5 (13) All legislative powers of a consolidated local government are vested in the
6 consolidated local government council. The term "legislative power" is to be
7 construed broadly and shall include the power to:

- 8 (a) Enact ordinances, orders, and resolutions, and override a veto of the mayor by
9 a two-thirds (2/3) majority of the membership of the legislative council;
- 10 (b) Review the budgets of and appropriate money to the consolidated local
11 government;
- 12 (c) Adopt a budget ordinance;
- 13 (d) Levy taxes, subject to the limitations of the Constitution and the laws of the
14 Commonwealth of Kentucky;
- 15 (e) Establish standing and temporary committees; and
- 16 (f) Make independent audits and investigations concerning the affairs of the
17 consolidated local government and any board or commission that:
- 18 1. Is composed of members who are appointed by the mayor and approved
19 by the legislative council; or
- 20 2. Has a budget that is equal to or greater than one million dollars
21 (\$1,000,000.00), except that this subparagraph shall not apply to any fee
22 officer elected within the consolidated local government.

23 (14) (a) The consolidated local government council shall establish a Government
24 Oversight and Audit Committee. This committee shall be:

- 25 1. Composed of members from each of the two (2) largest political
26 caucuses in the legislative council;
- 27 2. Appointed by the chairs of their respective caucuses; and

- 1 3. Composed on the basis of the proportion of each of the two (2) caucuses'
2 total membership as compared to the total membership of the legislative
3 council. Any fractional proportions shall be rounded in the favor of the
4 smallest caucus' membership on the committee.
- 5 (b) The committee shall have the power to:
- 6 1. Compel testimony and the submission of work papers or documents;
- 7 2. Issue subpoenas to compel any officer of or appointee to a board or
8 commission described in subsection (13)(f) of this section or any
9 department or division of the consolidated local government to appear
10 before the committee and to compel the submission to the committee of
11 any work papers or documents pertinent to an independent audit or
12 investigation. Any subpoenas issued or testimony compelled shall be
13 subject to any relevant statutes concerning privacy. Testimony subject to
14 KRS 61.810 shall only be taken in executive session. The right to
15 privacy or the requirement that testimony be taken in executive session
16 may be waived by the person or entity being subpoenaed or compelled to
17 testify;
- 18 3. Petition the appropriate Circuit Court to compel obedience by
19 proceedings for contempt as in the case of disobedience of a subpoena
20 issued from the Circuit Court or a refusal to testify therein, if any officer
21 or appointee fails or refuses to testify or furnish the work papers or
22 documents subpoenaed;
- 23 4. Administer oaths to witnesses appearing before the committee when the
24 committee deems the administration of an oath necessary and advisable
25 as provided by law. This decision to administer oaths shall be taken by a
26 majority vote of the committee of the legislative council; and
- 27 5. Recommend the removal of any appointee to a board or commission

1 described in subsection (13)(f) of this section.

2 (c) The legislative council of the consolidated local government shall adopt by
3 resolution any process or procedures deemed necessary for the administration
4 of subpoenas and oaths.

5 (d) The legislative council of the consolidated local government may only act to
6 remove an appointee to a board or commission described in subsection (13)(f)
7 of this section upon the recommendation of the Government Oversight and
8 Audit Committee.

9 (e) The Government Oversight and Audit Committee shall have the power to
10 issue subpoenas or administer oaths. Except as provided in KRS 65.003(7),
11 the legislative council of the consolidated local government shall not delegate
12 those powers to any other entity or entities not a part of the legislative council
13 of the consolidated local government.

14 (15) The consolidated local government council shall be known as the legislative council
15 of/..... County Metro Government, which shall be a
16 combination of the names of the largest city in existence in the county on the date of
17 the adoption of the consolidated local government and the county.

18 ➔Section 2. KRS 67C.105 is amended to read as follows:

19 (1) All executive and administrative power of the government shall be vested in the
20 office of the mayor. The term "executive and administrative power" shall be
21 construed broadly. The mayor shall be the chief executive of a consolidated local
22 government formed under the provisions of KRS 67C.101 to 67C.137.

23 (2) (a) The mayor shall be nominated **in a nonpartisan primary** and elected in **a**
24 **nonpartisan election, unless the consolidated local government requires**
25 **partisan elections under Section 4 of this Act,** ~~[partisan elections]~~
26 of four (4) years in the same election years as other local government officials
27 as regulated by the regular election laws of the Commonwealth. **The**

1 **nonpartisan primary and election shall be conducted in accordance with**
2 **Section 3 of this Act.**

3 (b) The mayor shall assume office on the first Monday in January following his or
4 her election. He or she shall serve until a successor qualifies.

5 (c) The mayor may serve for no more than three (3) consecutive terms, after
6 which time he or she shall be prohibited from running for election or being
7 appointed as mayor for a period of at least four (4) years.

8 (3) The mayor shall be at least twenty-one (21) years old, a qualified voter, ~~[a member~~
9 ~~of his or her political party,~~] and a resident of the territory encompassing the
10 consolidated local government for a period of at least one (1) year prior to his or her
11 election as mayor. The mayor shall continue to reside within the geographic
12 boundary of the consolidated local government throughout his or her term of office.

13 **If the consolidated local government requires partisan elections under Section 4**
14 **of this Act, the mayor shall be a member of the political party from which he or**
15 **she seeks the nomination for a period of at least one (1) year prior to his or her**
16 **election as mayor.**

17 (4) Except as otherwise provided in KRS 67C.101 to 67C.137, the mayor shall have all
18 the power and authority that the mayor of the city of the first class and the county
19 judge/executive exercised under the Constitution and the general laws of the
20 Commonwealth of Kentucky prior to the consolidation.

21 (5) The mayor is authorized to supervise, administer, and control all departments and
22 agencies as may be created by KRS 67C.101 to 67C.137 or created by ordinance.
23 The mayor shall appoint all department and agency directors. The appointees shall
24 serve at the pleasure of the mayor. Specifically, the mayor shall:

25 (a) Prepare and submit an annual report coinciding with the fiscal year, on the
26 state of the consolidated local government, to be presented at a public meeting
27 of the council;

- 1 (b) Submit an annual budget no fewer than sixty (60) days prior to the end of the
2 fiscal year;
- 3 (c) Oversee the administration and implementation of the adopted budget
4 ordinance;
- 5 (d) Enforce the ordinances of the consolidated local government;
- 6 (e) Supervise all officers, agents, employees, cabinets, departments, offices,
7 agencies, functions, and duties of the consolidated local government;
- 8 (f) Call special meetings of the consolidated local government council;
- 9 (g) Appoint and remove his or her own staff at his or her own pleasure;
- 10 (h) Execute written contracts, subscriptions, agreements, or obligations of the
11 consolidated local government;
- 12 (i) Approve or veto ordinances and resolutions adopted by the consolidated local
13 government council;
- 14 (j) Submit any written contracts, subscriptions, agreements, or obligations
15 exceeding the small purchase amount established pursuant to KRS 45A.385 in
16 a resolution to the legislative council for its approval or its disapproval. Those
17 written contracts, subscriptions, agreements, or obligations awarded to the
18 lowest evaluated bid or proposal pursuant to KRS 45A.343 to 45A.460 shall
19 be excluded, unless the legislative council changes the threshold for
20 submission of a resolution. The legislative council may, by ordinance, set
21 threshold amounts other than those established by KRS 45A.385 for the small
22 purchases for submission of a resolution for its approval or disapproval; and
- 23 (k) Appoint a deputy mayor within seven (7) days of the mayor taking the oath of
24 office and keep the office of deputy mayor filled throughout the mayor's term.
25 The deputy mayor shall:
- 26 1. Meet all the qualifications for mayor established pursuant to subsection
27 (3) of this section;

- 1 2. Serve at the mayor's pleasure and may be replaced by the mayor for any
2 cause; and
- 3 3. Have only the duties assigned to him or her by the mayor.
- 4 (6) (a) If the office of mayor becomes vacant by reason of death, resignation, or
5 removal:
- 6 1. The deputy mayor shall become the temporary mayor, inheriting all
7 powers and duties of the mayor;
- 8 2. The deputy mayor shall serve as temporary mayor for no more than
9 thirty (30) days until the council, by a majority vote of the members of
10 the council, shall elect a resident of the consolidated local government
11 who meets the qualifications for mayor established pursuant to
12 subsection (3) of this section to serve as mayor. The council may select
13 the temporary mayor for this position. If the legislative council fails to
14 elect a person to fill the vacancy within thirty (30) days after the vacancy
15 occurs, the Governor shall fill the vacancy in the office by appointment
16 of a qualified person who is a resident of the consolidated local
17 government and meets the qualifications for mayor established pursuant
18 to subsection (3) of this section; and
- 19 3. The tenure of the gubernatorial appointment shall be governed by
20 Section 152 of the Kentucky Constitution.
- 21 (b) If the offices of both the mayor and deputy mayor become vacant by reason of
22 death, resignation, or removal:
- 23 1. The presiding officer of the consolidated local government council shall
24 become the temporary mayor, inheriting all powers and duties of the
25 mayor;
- 26 2. The presiding officer shall serve as temporary mayor for no more than
27 thirty (30) days until the council shall, by a majority vote of the

1 members of the council, elect a resident of the consolidated local
 2 government who meets the qualifications for mayor established pursuant
 3 to subsection (3) of this section. The council may select the temporary
 4 mayor for this position. If the legislative council fails to elect a person to
 5 fill the vacancy within thirty (30) days after the vacancy occurs, the
 6 Governor shall fill the vacancy in the office by appointment of a
 7 qualified person who is a resident of the consolidated local government
 8 and meets the qualifications for mayor established pursuant to
 9 subsection (3) of this section; and

10 3. The tenure of the gubernatorial appointment shall be governed by
 11 Section 152 of the Kentucky Constitution.

12 (7) The mayor of a consolidated local government shall be known as the mayor of
 13/..... County Metro Government, which shall be a combination
 14 of the names of the largest city in existence in the county on the date of the adoption
 15 of the consolidated local government and the county.

16 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO
 17 READ AS FOLLOWS:

18 **(1) Unless the consolidated local government requires partisan elections under**
 19 **Section 4 of this Act, no council member or mayor of a consolidated local**
 20 **government shall be elected to office without being nominated in the manner**
 21 **provided in this section at a nonpartisan primary to be held at the time prescribed**
 22 **by KRS 118.025, unless otherwise provided in this chapter. Nonpartisan**
 23 **primaries shall be conducted by the same officers, chosen and acting in the same**
 24 **manner, with the same rights and duties as in regular elections.**

25 **(2) (a) Each candidate for nomination shall, not earlier than the first Wednesday**
 26 **after the first Monday in November of the year preceding the year in which**
 27 **the office will appear on the ballot and not later than the last date**

- 1 prescribed by the election law generally for filing notification and
2 declaration forms with the county clerk as provided in KRS 118.165, file a
3 petition of nomination, which shall be in the form prescribed by the State
4 Board of Elections in administrative regulations promulgated under KRS
5 Chapter 13A.
- 6 **(b) For council member candidates, the petition for nomination shall be signed**
7 **by the candidate and at least two (2) registered voters of the district from**
8 **which he or she seeks nomination. For mayoral candidates, the petition for**
9 **nomination shall be signed by the candidate and at least two (2) registered**
10 **voters of the county containing the consolidated local government.**
- 11 **(3) The county clerk shall examine the petition of each candidate to determine**
12 **whether it is regular on its face. If there is an error, the county clerk shall notify**
13 **the candidate by certified mail within twenty-four (24) hours of filing.**
- 14 **(4) Immediately upon expiration of the time for filing petitions, the county clerk shall**
15 **have published in accordance with KRS Chapter 424 the names of the candidates**
16 **as they will appear before the voters at the primary.**
- 17 **(5) Subsection (4) of this section shall not apply if it appears, immediately upon**
18 **expiration of the time for filing petitions, that there are not more than two (2)**
19 **candidates for nomination for each office to be filled.**
- 20 **(6) The ballot position of a candidate shall not be changed after the ballot position**
21 **has been designated by the county clerk.**
- 22 **(7) If, before the time of certification of candidates who will appear on the ballot, any**
23 **candidate whose petition has been filed in the office of the county clerk dies or**
24 **notifies the clerk in writing, signed and properly notarized, that he or she will not**
25 **accept the nomination, the clerk shall not cause the candidate's name to be**
26 **printed on the ballot.**
- 27 **(8) If, after the certification of candidates who will appear on the ballot, any**

1 candidate whose name appears thereon shall withdraw pursuant to KRS 118.212
2 or die:

3 (a) Neither the precinct election officers nor the county board of elections shall
4 tabulate or record the votes cast for the candidate;

5 (b) The county clerk shall provide notices to the precinct election officers who
6 shall see that a notice is conspicuously displayed at the polling place
7 advising voters of the change, and that votes for the candidate shall not be
8 tabulated or recorded. If the county clerk learns of the death or withdrawal
9 at least five (5) days prior to the election and provides the notices required
10 by this subsection and the precinct officers fail to post the notices at the
11 polling place, the officers shall be guilty of a violation; and

12 (c) In a primary, if there are only one (1) or two (2) remaining candidates on
13 the ballot for that office, following the withdrawal or death of the other
14 candidate or candidates, neither the precinct election officers nor the county
15 board of elections shall tabulate or record the votes for the remaining
16 candidate or candidates, and the officer with whom the remaining
17 candidate or candidates has filed his or her nomination papers shall
18 immediately issue and file in his or her office a certificate of nomination for
19 that remaining candidate or candidates and send a copy to the remaining
20 candidate or candidates.

21 (9) Names of candidates for each nomination shall be placed before the voters of the
22 county containing the consolidated local government. The voters shall be
23 instructed to vote for one (1) candidate. No party designation or emblem of any
24 kind nor any sign indicating any candidate's political belief or party affiliation
25 shall be used.

26 (10) Persons qualified to vote at a regular election shall be qualified to vote at a
27 nonpartisan primary and the law applicable to challenges made at a regular

1 election shall be applicable to challenges made at a nonpartisan primary.

2 (11) Votes shall be counted as provided in general election laws, under KRS Chapters
3 118 and 120, and the result shall be published as provided in KRS Chapter 424.

4 (12) The two (2) candidates receiving the highest number of votes for nomination for
5 each office shall be nominated. If two (2) or more candidates are found to have
6 received the highest and an equal number of votes for the same office, the
7 nomination shall be determined by lot in the manner the State Board of Elections
8 directs, in the presence of not less than three (3) persons.

9 (13) At the regular election following a nonpartisan primary, the names of the
10 successful nominees shall be placed before the voters.

11 (14) A candidate for a consolidated local government office who is defeated in a
12 nonpartisan primary shall be ineligible as a candidate for the same office in the
13 regular election.

14 (15) The certificate of election for a consolidated local government office shall be
15 issued to the candidate receiving the highest number of votes, except that if two
16 (2) or more candidates are found to have received the highest and an equal
17 number of votes for the same office, the election shall be determined by lot in the
18 manner the State Board of Elections directs, in the presence of not less than three
19 (3) other persons.

20 (16) KRS Chapters 116 to 121 prescribing duties of county clerks and other public
21 officers in the conduct of elections shall be applicable in all respects to
22 nonpartisan consolidated local government elections, except no election officer or
23 other person within a polling place shall tell or indicate to a voter, by word of
24 mouth or otherwise, the political affiliation of any candidate for office.

25 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO
26 READ AS FOLLOWS:

27 (1) A consolidated local government council may require by ordinance, approved by

1 *a three-fourths (3/4) majority of the membership of the legislative council, that*
2 *the mayor and members of the legislative council be elected in partisan elections.*

3 *(2) Any ordinance providing for the partisan election of the mayor and members of*
4 *the legislative council shall become effective not later than twenty-three (23) days*
5 *prior to the date prescribed by the election law generally for filing notification*
6 *and declaration forms with the county clerk in a year in which a regular election*
7 *is to be held, and in which other local government officials are elected.*

8 *(3) A copy of the ordinance shall be filed with the county clerk of the county in*
9 *which the consolidated local government is located upon enactment.*

10 *(4) No change shall be made in the manner of election of the mayor and members of*
11 *the legislative council of a consolidated local government earlier than five (5)*
12 *years from the date of the last change.*

13 *(5) All partisan elections required under this section shall be governed by the general*
14 *election laws in KRS Chapters 116 to 121.*

15 ➔Section 5. KRS 83A.045 is amended to read as follows:

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

19 (a) A candidate for party nomination to city office shall file his or her nomination
20 papers with the county clerk of the county not earlier than the first Wednesday after
21 the first Monday in November of the year preceding the year in which the office
22 will appear on the ballot and not later than the first Friday following the first
23 Monday in January before the day fixed by KRS Chapter 118 for holding a primary
24 for the office sought. Signatures for nomination papers shall not be affixed on the
25 document to be filed prior to the first Wednesday after the first Monday in
26 November of the year preceding the year in which the office will appear on the
27 ballot. All nomination papers shall be filed no later than 4 p.m. local time when

- 1 filed on the last day on which the papers are permitted to be filed;
- 2 (b) An independent candidate for nomination to city office shall not participate in a
3 primary, but shall file his or her nomination papers with the county clerk of the
4 county not earlier than the first Wednesday after the first Monday in November of
5 the year preceding the year in which the office will appear on the ballot and not later
6 than the first Tuesday after the first Monday in June before the day fixed by KRS
7 Chapter 118 for holding a regular election for the office. Signatures for nomination
8 papers shall not be affixed on the document to be filed prior to 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. All nomination papers shall be filed no later than 4
11 p.m. local time when filed on the last day on which the papers are permitted to be
12 filed; and
- 13 (c) A candidate for city office who is defeated in a partisan primary shall be ineligible
14 as a candidate for the same office in the regular election. However, if a vacancy
15 occurs in the party nomination for which he or she was an unsuccessful candidate in
16 the primary, his or her name may be placed on the voting machines for the regular
17 election as a candidate of that party if he or she has been duly made the party
18 nominee after the vacancy occurs, as provided in KRS 118.105.
- 19 (2) Except as provided in KRS 83A.047, nonpartisan elections of all city officers,
20 including mayors and members of any city legislative body, shall be governed by
21 KRS 83A.050, 83A.170, 83A.175, the general election laws as provided in KRS
22 Chapters 116 to 121, and the following provisions, regardless of the form of
23 government or classification of the city:
- 24 (a) A candidate for city office shall file his or her nomination papers with the
25 county clerk of the county not earlier than the first Wednesday after the first
26 Monday in November of the year preceding the year in which the office will
27 appear on the ballot and not later than the first Friday following the first

1 Monday in January before the day fixed by KRS Chapter 118 for holding a
2 primary for nominations for the office. Signatures for nomination papers shall
3 not be affixed on the document to be filed prior to the first Wednesday after
4 the first Monday in November of the year preceding the year in which the
5 office will appear on the ballot. All nomination papers shall be filed no later
6 than 4 p.m. local time when filed on the last day on which the papers are
7 permitted to be filed;

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

11 1. A city may forgo conducting a nonpartisan primary for the nomination
12 of candidates to city office, regardless of the number of candidates
13 running for each office, and require all candidates to file their
14 nomination papers with the county clerk of the county not earlier than
15 the first Wednesday after the first Monday in November of the year
16 preceding the year in which the office will appear on the ballot and not
17 later than the first Tuesday after the first Monday in June before the day
18 fixed by KRS Chapter 118 for holding a regular election for the office.
19 Signatures for nomination papers shall not be affixed on the document to
20 be filed prior to the first Wednesday after the first Monday in November
21 of the year preceding the year in which the office will appear on the
22 ballot;

23 2. All nomination papers shall be filed no later than 4 p.m. local time when
24 filed on the last day on which the papers are permitted to be filed;

25 3. If a city does not conduct a primary pursuant to this subsection, the
26 election of candidates to city office shall be governed by the provisions
27 of this subsection, KRS 83A.175(2) to (6), and KRS Chapters 116 to

1 121;

2 4. In the absence of a primary pursuant to this subsection, the number of
3 candidates equal to the number of city offices to be filled who receive
4 the highest number of votes cast in the regular election for each city
5 office shall be elected;

6 5. Candidates shall be subject to all other applicable election laws pursuant
7 to this chapter and KRS Chapters 116 to 121;

8 6. If a vacancy occurs in a candidacy for city office in any city which has
9 not held a primary pursuant to this subsection after the expiration of
10 time for filing nomination papers, or if there are fewer candidates than
11 there are offices to be filled, the vacancy in candidacy shall be filled by
12 write-in voting; and

13 7. At the regular election, the voters shall be instructed to vote for one (1)
14 candidate, except when there is more than one (1) candidate for which
15 voters may vote, the instruction "vote for up to candidates" shall be
16 used on the ballot; and

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

19 ➔Section 6. KRS 83A.050 is amended to read as follows:

20 (1) ~~A~~[Election of city officers shall be governed by general election laws as provided in
21 ~~KRS Chapters 116 through 121 unless the~~] city legislative body **may require**
22 ~~[prescribes]~~ by ordinance, **approved by a three-fourths (3/4) majority of the**
23 **membership of the legislative body,** that election of city officers shall be **by**
24 **partisan elections**~~[under nonpartisan city election laws]~~ as provided in KRS
25 83A.045~~[, 83A.170, 83A.175]~~ and 83A.047. The ordinance shall become effective
26 not later than twenty-three (23) days prior to the date prescribed by the election law
27 generally for filing notification and declaration forms with the county clerk in a year

1 in which a regular election is to be held in which any city office is to be filled.
 2 Immediately subsequent to publication of any ordinance prescribing that election of
 3 city officers be under partisan~~[nonpartisan]~~ city election laws, a copy of that
 4 ordinance shall be filed with the county clerk of the county in which the city is
 5 located.

- 6 (2) A city may change the manner of election of city officers within the provisions of
 7 subsection (1) of this section by ordinance approved by a three-fourths (3/4)
 8 majority of the membership of the legislative body, except that no change shall be
 9 made earlier than five (5) years from the last change.
- 10 (3) The city shall pay the costs of city elections only if city elections are held at a time
 11 other than prescribed by KRS Chapters 116 to 121.

12 ➔Section 7. KRS 83A.170 is amended to read as follows:

- 13 (1) Unless a city requires partisan elections under Section 6 of this Act, no~~[In any city~~
 14 ~~which has under the provisions of KRS 83A.045 or 83A.050 required nonpartisan~~
 15 ~~city elections, No]~~ person shall be elected to city office except by~~[as provided in this~~
 16 ~~section or as otherwise provided in this chapter relating to]~~ nonpartisan elections.

- 17 (2) No person shall be elected to city office without being nominated in the manner
 18 provided in this section at a nonpartisan primary to be held at the time prescribed by
 19 KRS 118.025~~Chapters 116 to 121~~, except as otherwise provided in this chapter.
 20 Nonpartisan primaries shall be conducted by the same officers, chosen and acting in
 21 the same manner, with the same rights and duties as in regular elections.

- 22 (3) Each applicant for nomination shall, not earlier than the first Wednesday after the
 23 first Monday in November of the year preceding the year in which the office will
 24 appear on the ballot and not later than the last date prescribed by the election law
 25 generally for filing notification and declaration forms with the county clerk as
 26 provided in KRS 83A.045 and 83A.047, file a petition of nomination, which shall
 27 be in the form prescribed by the State Board of Elections in administrative

- 1 **regulations promulgated under KRS Chapter 13A, and** signed by at least two (2)
2 registered voters in the city. Each voter may sign individual petitions equal to the
3 number of offices to be filled. If a voter signs petitions for more candidates than he
4 or she is authorized, he or she shall be counted as a petitioner for the candidate
5 whose petition is filed first.
- 6 (4) The county clerk shall examine the petition of each candidate to determine whether
7 it is regular on its face. If there is an error, the county clerk shall notify the
8 candidate by certified mail within twenty-four (24) hours of filing.
- 9 (5) Immediately upon expiration of the time for filing petitions, the county clerk shall
10 have published in accordance with KRS Chapter 424 the names of the applicants as
11 they will appear before the voters at the primary.
- 12 (6) Subsection (5) of this section shall not apply if it appears, immediately upon
13 expiration of the time for filing petitions, that there are not more than two (2)
14 applicants for nomination for each city office to be filled, or, when the nominations
15 are for city legislative body members in cities electing legislative body members at
16 large, and there are no more than twice the number of applicants for nomination for
17 the number of offices to be filled. In that case, the applicants for nomination shall
18 thereby be nominated and **neither a**~~no~~ drawing for ballot position nor **a** primary~~f~~
19 ~~election~~ shall be held for that office.
- 20 (7) The ballot position of a candidate shall not be changed after the ballot position has
21 been designated by the county clerk.
- 22 (8) If, before the time of certification of candidates who will appear on the ballot, any
23 candidate whose petition has been filed in the office of the county clerk dies or
24 notifies the clerk in writing, signed and properly notarized, that he or she will not
25 accept the nomination, the clerk shall not cause the candidate's name to be printed
26 on the ballot.
- 27 (9) If, after the certification of candidates who will appear on the ballot, any candidate

- 1 whose name appears thereon shall withdraw pursuant to KRS 118.212 or die:
- 2 (a) Neither the precinct election officers nor the county board of elections shall
- 3 tabulate or record the votes cast for the candidate;
- 4 (b) The county clerk shall provide notices to the precinct election officers who
- 5 shall see that a notice is conspicuously displayed at the polling place advising
- 6 voters of the change, and that votes for the candidate shall not be tabulated or
- 7 recorded. If the county clerk learns of the death or withdrawal at least five (5)
- 8 days prior to the election and provides the notices required by this subsection
- 9 and the precinct officers fail to post the notices at the polling place, the
- 10 officers shall be guilty of a violation; and
- 11 (c) In a primary, if there are only one (1) or two (2) remaining candidates on the
- 12 ballot for that office, following the withdrawal or death of the other candidate
- 13 or candidates, neither the precinct election officers nor the county board of
- 14 elections shall tabulate or record the votes for the remaining candidate or
- 15 candidates, and the officer with whom the remaining candidate or candidates
- 16 has filed his or her nomination papers shall immediately issue and file in his
- 17 or her office a certificate of nomination for that remaining candidate or
- 18 candidates and send a copy to the remaining candidate or candidates.
- 19 (10) Names of applicants for each nomination shall be placed before the voters of the
- 20 city. The voters shall be instructed to vote for one (1) candidate, except when there
- 21 is more than one (1) candidate for which voters may vote, the instruction "vote for
- 22 up to candidates" shall be used on the ballot. No party designation or emblem of
- 23 any kind nor any sign indicating any applicant's political belief or party affiliation
- 24 shall be used.
- 25 (11) Persons qualified to vote at a regular election shall be qualified to vote at a
- 26 nonpartisan primary and the law applicable to challenges made at a regular election
- 27 shall be applicable to challenges made at a nonpartisan primary.

- 1 (12) Votes shall be counted as provided in general election laws, pursuant to KRS
2 Chapters 116 to 121, and the result shall be published as provided in KRS Chapter
3 424.
- 4 (13) The two (2) applicants receiving the highest number of votes for nomination for
5 each city office shall be nominated; or where the nominations are for city legislative
6 body members in cities electing legislative body members at large, there shall be
7 nominated the number of applicants receiving the highest number of votes equal to
8 twice the number of offices to be filled. If two (2) candidates are tied for the second
9 highest number of votes in a mayoral election, the names of those two (2)
10 candidates, plus the name of the candidate receiving the highest number of votes,
11 shall be placed upon the ballot.
- 12 (14) At the regular election following a nonpartisan primary, the names of the successful
13 nominees and candidates who have filed a petition of candidacy as provided in this
14 chapter to fill a vacancy shall be placed before the voters.
- 15 (15) The nominee or candidate receiving the greater number of votes cast for each city
16 office shall be elected.
- 17 (16) KRS Chapters 116 to 121 prescribing duties of county clerks and other public
18 officers in the conduct of elections shall be applicable in all respects to nonpartisan
19 city elections, except no election officer or other person within a polling place shall
20 tell or indicate to a voter, by word of mouth or otherwise, the political affiliation of
21 any candidate for city office.
- 22 ➔Section 8. KRS 83A.175 is amended to read as follows:
- 23 (1) The election to fill the regular term of a nonpartisan city office shall be conducted in
24 the manner prescribed in KRS 83A.165 when, in a regular election for nonpartisan
25 city office no candidates nominated to an office as provided in KRS 83A.170 are
26 available due to death, incapacity, or withdrawal, or when city legislative body
27 members are to be elected at large and there are fewer nominees than there are

1 offices to be filled, or when a city has eliminated the primary pursuant to KRS
2 83A.045.

3 (2) Each candidate shall, not earlier than the first Wednesday after the first Monday in
4 November of the year before the year in which the office will appear on the ballot
5 and not later than the last date prescribed by the election law generally for filing
6 petitions of nomination with the county clerk as provided in KRS 83A.045 and
7 83A.047, file a petition for candidacy. The petition shall be on a form prescribed
8 and furnished by the State Board of Elections in administrative regulations
9 promulgated under KRS Chapter 13A, and shall be signed by at least two (2)
10 registered voters in the city. Each voter may sign individual petitions equal to the
11 number of offices to be filled. If a voter signs petitions for more candidates than he
12 or she is authorized, he or she shall be counted as a petitioner for the candidate
13 whose petition is filed first.

14 (3) The county clerk shall examine the petition of each candidate to determine whether
15 it is regular on its face. If there is an error, the county clerk shall notify the
16 candidate by certified mail within twenty-four (24) hours of filing.

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

19 (5) If, before the certification of candidates who will appear on the ballot, any candidate
20 whose petition has been filed in the office of the county clerk, dies or notifies the
21 clerk in writing, signed and properly notarized, that he or she will not accept the
22 election, the clerk shall not cause his or her name to be printed on the ballot.

23 (6) If, after the certification of candidates who will appear on the ballot, any candidate
24 whose name appears thereon shall withdraw pursuant to KRS 118.212 or die:

25 (a) Neither the precinct election officers nor the county board of elections shall
26 tabulate or record the votes cast for the candidate;

27 (b) The county clerk shall provide notices to the precinct election officers who

1 shall see that a notice is conspicuously displayed at the polling place advising
2 voters of the change, and that votes for the candidate shall not be tabulated or
3 recorded. If the county clerk learns of the death or withdrawal at least five (5)
4 days prior to the election and provides the notices required by this subsection
5 and the precinct officers fail to post the notices at the polling place, the
6 officers shall be guilty of a violation;

7 (c) If there is only one (1) remaining candidate on the ballot for that office in a
8 primary, following the withdrawal or death of the other candidate or
9 candidates, neither the precinct election officers nor the county board of
10 elections shall tabulate or record the votes for the remaining candidate, and
11 the officer with whom the remaining candidate has filed his or her nomination
12 papers shall immediately issue and file in his or her office a certificate of
13 nomination for that remaining candidate and send a copy to the remaining
14 candidate.

15 ➔Section 9. This Act takes effect November 4, 2020.