

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 83A.040 is amended to read as follows:

- 4 (1) A mayor shall be elected by the voters of each city at a regular election. A candidate  
5 for mayor shall be a resident of the city for not less than one (1) year prior to his or  
6 her election. ***The mayor's***~~[His]~~ term of office shall begin on the first day of January  
7 following his ***or her*** election and shall be for four (4) years and until his ***or her***  
8 successor qualifies. If a person is elected or appointed as mayor in response to a  
9 vacancy and serves less than four (4) calendar years, then that period of service shall  
10 not be considered ***a term of office*** for purposes of re-election~~[a term of office]~~. A  
11 mayor shall be at least twenty-one (21) years of age, shall be a qualified voter in the  
12 city, and shall reside in the city throughout his ***or her*** term of office.
- 13 (2) If a vacancy occurs in the office of mayor, the following provisions shall apply:
- 14 (a) The legislative body of the city shall fill the vacancy within thirty (30) days.
- 15 (b) A member of the legislative body in any city organized and governed under  
16 the commission plan as provided by KRS 83A.140 or city manager plan as  
17 provided by KRS 83A.150 may vote for himself ***or herself***.
- 18 (c) A member of the legislative body in any city organized and governed under  
19 the mayor-council plan as provided by KRS 83A.130 and in any city of the  
20 first class organized under the mayor-alderman plan as provided by KRS  
21 Chapter 83 shall not vote for himself ***or herself***.
- 22 (d) The legislative body shall elect from among its members an individual to  
23 preside over meetings of the legislative body during any vacancy in the office  
24 of mayor in accordance with~~[the provisions of]~~ KRS 83A.130 to 83A.150.
- 25 (3) When voting to fill the vacancy created by a resignation of a mayor, the resigning  
26 mayor shall not vote on his ***or her*** successor.
- 27 (4) Each legislative body member shall be elected at large by the voters of each city at a

1 regular election. A candidate for a legislative body shall be a resident of the city for  
2 not less than one (1) year prior to his or her election. *The member's*[His] term of  
3 office shall begin on the first day of January following his *or her* election and shall  
4 be for two (2) years, except as provided by KRS 83A.050. A member shall be at  
5 least eighteen (18) years of age, shall be a qualified voter in the city, and shall reside  
6 in the city throughout his *or her* term of office.

7 (5) If one (1) or more vacancies on a legislative body occur in a way that one (1) or  
8 more members remain seated, the remaining members shall within thirty (30) days  
9 fill the vacancies one (1) at a time, giving each new appointee reasonable notice of  
10 his *or her* selection as will enable him *or her* to meet and act with the remaining  
11 members in making further appointments until all vacancies are filled. If vacancies  
12 occur in a way that all seats become vacant, the Governor shall appoint qualified  
13 persons to fill the vacancies sufficient to constitute a quorum. Remaining vacancies  
14 shall be filled as provided in this section.

15 (6) If for any reason, any vacancy in the office of mayor or the legislative body is not  
16 filled within thirty (30) days after it occurs, the Governor shall promptly fill the  
17 vacancy by appointment of a qualified person who shall serve for the same period as  
18 if otherwise appointed.

19 (7) No vacancy by reason of voluntary resignation in the office of mayor or on a  
20 legislative body shall occur unless a written resignation which specifies a  
21 resignation date is tendered to the legislative body. The resignation shall be  
22 effective at the next regular or special meeting of the city legislative body occurring  
23 after the date specified in the written letter of resignation.

24 (8) Pursuant to KRS 118.305(7), if a vacancy occurs which is required by law to be  
25 filled temporarily by appointment, the legislative body or the Governor, whichever  
26 is designated to make the appointment, shall immediately notify in writing both the  
27 county clerk and the Secretary of State of the vacancy.

1 (9) Except in cities of the first class, any elected officer, in case of misconduct,  
2 incapacity, or willful neglect in the performance of the duties of his or her office,  
3 may be removed from office by a unanimous vote of the members of the legislative  
4 body exclusive of any member to be removed, who shall not vote in the deliberation  
5 of his or her removal. No elected officer shall be removed without having been  
6 given the right to a full public hearing. The officer, if removed, shall have the right  
7 to appeal to the Circuit Court of the county and the appeal shall be on the record.  
8 No officer so removed shall be eligible to fill the office vacated before the  
9 expiration of the term to which originally elected.

10 (10) Removal of an elected officer in cities of the first class shall be governed by the  
11 provisions of KRS 83.660.

12 ➔Section 2. KRS 83A.045 is amended to read as follows:

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

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

27 (b) An independent candidate for nomination to city office shall not participate in

1 a primary, but shall file his or her nomination papers with the county clerk of  
2 the county not earlier than the first Wednesday after the first Monday in  
3 November of the year preceding the year in which the office will appear on  
4 the ballot and not later than the first Tuesday after the first Monday in June  
5 before the day fixed by KRS Chapter 118 for holding a regular election for the  
6 office. Signatures for nomination papers shall not be affixed on the document  
7 to be filed prior to the first Wednesday after the first Monday in November of  
8 the year preceding the year in which the office will appear on the ballot. All  
9 nomination papers shall be filed no later than 4 p.m. local time when filed on  
10 the last day on which the papers are permitted to be filed; and

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

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

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

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

- 8 1. A city may forgo conducting a nonpartisan primary for the nomination  
9 of candidates to city office, regardless of the number of candidates  
10 running for each office, and require all candidates to file their  
11 nomination papers with the county clerk of the county not earlier than  
12 the first Wednesday after the first Monday in November of the year  
13 preceding the year in which the office will appear on the ballot and not  
14 later than the first Tuesday after the first Monday in June before the day  
15 fixed by KRS Chapter 118 for holding a regular election for the office.  
16 Signatures for nomination papers shall not be affixed on the document to  
17 be filed prior to the first Wednesday after the first Monday in November  
18 of the year preceding the year in which the office will appear on the  
19 ballot;
- 20 2. All nomination papers shall be filed no later than 4 p.m. local time when  
21 filed on the last day on which the papers are permitted to be filed;
- 22 3. If a city does not conduct a primary pursuant to this subsection, the  
23 election of candidates to city office shall be governed by the provisions  
24 of this subsection, KRS 83A.175(2) to (6), and KRS Chapters 116 to  
25 121;
- 26 4. In the absence of a primary pursuant to this subsection, the number of  
27 candidates equal to the number of city offices to be filled who receive

1 the highest number of votes cast in the regular election for each city  
2 office shall be elected;

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

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

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

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

16 ➔Section 3. KRS 83A.170 is amended to read as follows:

17 (1) In any city which has under the provisions of KRS 83A.045 or 83A.050 required  
18 nonpartisan city elections, no person shall be elected to city office except as  
19 provided in this section or as otherwise provided in this chapter relating to  
20 nonpartisan elections.

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

26 (3) Each applicant for nomination shall, not earlier than the first Wednesday after the  
27 first Monday in November of the year preceding the year in which the office will

1 appear on the ballot and not later than the last date prescribed by the election law  
2 generally for filing notification and declaration forms with the county clerk as  
3 provided in Section 2 of this Act and KRS 83A.047, file a petition of nomination,  
4 which shall be in the form prescribed by the State Board of Elections signed by at  
5 least two (2) registered voters in the city. Each voter may sign individual petitions  
6 equal to the number of offices to be filled. If a voter signs petitions for more  
7 candidates than he or she is authorized, he or she shall be counted as a petitioner for  
8 the candidate whose petition is filed first.

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

12 (5) Immediately upon expiration of the time for filing petitions, the county clerk shall  
13 have published in accordance with KRS Chapter 424 the names of the applicants as  
14 they will appear before the voters at the primary.

15 (6) Subsection (5) of this section shall not apply if it appears, immediately upon  
16 expiration of the time for filing petitions, that there are not more than two (2)  
17 applicants for nomination for each city office to be filled, or, when the nominations  
18 are for city legislative body members in cities electing legislative body members at  
19 large, and there are no more than twice the number of applicants for nomination for  
20 the number of offices to be filled. In that case, the applicants for nomination shall ~~be~~  
21 ~~thereby~~ be nominated and no primary or drawing for ballot position ~~nor primary~~  
22 ~~election~~ shall be held for that office.

23 (7) The ballot position of a candidate shall not be changed after the ballot position has  
24 been designated by the county clerk.

25 (8) If, before the time of certification of candidates who will appear on the ballot, any  
26 candidate whose petition has been filed in the office of the county clerk dies or  
27 notifies the clerk in writing, signed and properly notarized, that he or she will not

1 accept the nomination, the clerk shall not cause the candidate's name to be printed  
2 on the ballot.

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

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

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

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

22 (10) Names of applicants for each nomination shall be placed before the voters of the  
23 city. The voters shall be instructed to vote for one (1) candidate, except when there  
24 is more than one (1) candidate for which voters may vote, the instruction "vote for  
25 up to .... candidates" shall be used on the ballot. No party designation or emblem of  
26 any kind nor any sign indicating any applicant's political belief or party affiliation  
27 shall be used.



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

1 city office no candidates nominated to an office as provided in KRS 83A.170 are  
2 available due to death, incapacity, or withdrawal, or when city legislative body  
3 members are to be elected at large and there are fewer nominees than there are  
4 offices to be filled, or when a city has eliminated the primary pursuant to KRS  
5 83A.045.

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

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

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

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

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

- 1 (a) Neither the precinct election officers nor the county board of elections shall  
2 tabulate or record the votes cast for the candidate;
- 3 (b) The county clerk shall provide notices to the precinct election officers who  
4 shall see that a notice is conspicuously displayed at the polling place advising  
5 voters of the change, and that votes for the candidate shall not be tabulated or  
6 recorded. If the county clerk learns of the death or withdrawal at least five (5)  
7 days prior to the primary or election and provides the notices required by this  
8 subsection and the precinct officers fail to post the notices at the polling place,  
9 the officers shall be guilty of a violation;
- 10 (c) If there is only one (1) remaining candidate on the ballot for that office in a  
11 primary, following the withdrawal or death of the other candidate or  
12 candidates, neither the precinct election officers nor the county board of  
13 elections shall tabulate or record the votes for the remaining candidate, and  
14 the officer with whom the remaining candidate has filed his or her nomination  
15 papers shall immediately issue and file in his or her office a certificate of  
16 nomination for that remaining candidate and send a copy to the remaining  
17 candidate.

18 ➔Section 5. KRS 117.085 is amended to read as follows:

- 19 (1) All requests for an application for a mail-in absentee ballot may be transmitted by  
20 telephone, facsimile machine, by mail, by electronic mail, or in person. The county  
21 clerk shall transmit all applications for a mail-in absentee ballot to the voter by  
22 mail, electronic mail, or in person at the option of the voter, except as provided in  
23 paragraph (b) of this subsection. The mail-in absentee ballot application may be  
24 requested by the voter or the spouse, parents, or children of the voter, but shall be  
25 restricted to the use of the voter.
- 26 (a) A qualified voter may apply to cast his or her vote by mail-in absentee ballot  
27 if the completed application is received not later than the close of business

1 hours seven (7) days before the election, and if the voter is:

- 2 1. A resident of Kentucky who is a covered voter as defined in KRS  
3 117A.010;
- 4 2. A student who temporarily resides outside the county of his or her  
5 residence;
- 6 3. Incarcerated in jail and charged with a crime, but has not been convicted  
7 of the crime;
- 8 4. Changing or has changed his or her place of residence to a different state  
9 while the registration books are closed in the new state of residence  
10 before an election of electors for President and Vice President of the  
11 United States, in which case the voter shall be permitted to cast a mail-in  
12 absentee ballot for electors for President and Vice President of the  
13 United States only;
- 14 5. Temporarily residing outside the state but still eligible to vote in this  
15 state;
- 16 6. Prevented from voting in person at the polls on election day and from  
17 casting an in-person absentee ballot in the county clerk's office on all  
18 days in-person absentee voting is conducted because his or her  
19 employment location requires him or her to be absent from the county of  
20 his or her residence all hours and all days in-person absentee voting is  
21 conducted in the county clerk's office;
- 22 7. A participant in the Secretary of State's crime victim address  
23 confidentiality protection program as authorized by KRS 14.312; or
- 24 8. Not able to appear at the polls on election day on the account of age,  
25 disability, or illness, and who has not been declared mentally disabled by  
26 a court of competent jurisdiction.

27 (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010

1           may apply for a mail-in absentee ballot by means of the federal post-card  
2           application, which may be transmitted to the county clerk's office by mail, by  
3           facsimile machine, or by means of the electronic transmission system  
4           established under KRS 117A.030(4). The federal post-card application may be  
5           used to register, reregister, and to apply for a mail-in absentee ballot. If the  
6           federal post-card application is received at any time not less than seven (7)  
7           days before the election, the county clerk shall affix his or her seal to the  
8           application form upon receipt.

9           (c) In-person absentee voting shall be conducted in the county clerk's office or  
10           other place designated by the county board of elections and approved by the  
11           State Board of Elections during normal business hours for at least the twelve  
12           (12) working days before the election. A county board of elections may permit  
13           in-person absentee voting to be conducted on a voting machine for a period  
14           longer than the twelve (12) working days before the election.

15           (d) A qualified voter may, at any time during normal business hours on those days  
16           in-person absentee voting is conducted in the county clerk's office, make  
17           application in person to the county clerk to vote on a voting machine in the  
18           county clerk's office or other place designated by the county board of elections  
19           and approved by the State Board of Elections, if the voter:

- 20           1. Is a resident of Kentucky who is a covered voter as defined in KRS  
21           117A.010, who will be absent from the county of his or her residence on  
22           any election day;
- 23           2. Is a student who temporarily resides outside the county of his or her  
24           residence;
- 25           3. Has surgery, or whose spouse has surgery, scheduled that will require  
26           hospitalization on election day;
- 27           4. Temporarily resides outside the state, but is still eligible to vote in this

- 1 state and will be absent from the county of his or her residence on any  
2 election day;
- 3 5. Is a resident of Kentucky who is a uniformed-service voter as defined in  
4 KRS 117A.010 confined to a military base on election day, learns of that  
5 confinement within seven (7) days or less of an election, and is not  
6 eligible for a mail-in absentee ballot under this subsection;
- 7 6. Is in her last trimester of pregnancy at the time she wishes to vote under  
8 this paragraph. The application form for a voter under this subparagraph  
9 shall be prescribed by the State Board of Elections, which shall contain  
10 the woman's sworn statement that she is in fact in her last trimester of  
11 pregnancy at the time she wishes to vote;
- 12 7. Has not been declared mentally disabled by a court of competent  
13 jurisdiction and, on account of age, disability, or illness, is not able to  
14 appear at the polls on election day; or
- 15 8. Is not permitted to vote by a mail-in absentee ballot under paragraph (a)  
16 of this subsection, but who will be absent from the county of his or her  
17 residence on election day.
- 18 (e) Voters who change their place of residence to a different state while the  
19 registration books are closed in the new state of residence before a presidential  
20 election shall be permitted to cast an in-person absentee ballot for President  
21 and Vice President only, by making application in person to the county clerk  
22 to vote on a voting machine in the county clerk's office or other place  
23 designated by the county board of elections and approved by the State Board  
24 of Elections, up to the close of normal business hours on the day before the  
25 election.
- 26 (f) Any member of the county board of elections, any precinct election officer  
27 appointed to serve in a precinct other than that in which he or she is registered,

1 any alternate precinct election officer, any deputy county clerk, any staff for  
2 the State Board of Elections, and any staff for the county board of elections  
3 may vote on a voting machine in the county clerk's office or other place  
4 designated by the county board of elections, and approved by the State Board  
5 of Elections, up to the close of normal business hours on the day before the  
6 election. The application form for those persons shall be prescribed by the  
7 State Board of Elections and, in the case of application by precinct election  
8 officers, shall contain a verification of appointment signed by a member of the  
9 county board of elections. If an alternate precinct election officer or a precinct  
10 election officer appointed to serve in a precinct other than that in which he or  
11 she is registered receives his or her appointment while in-person absentee  
12 voting is being conducted in the county, the officer may vote on a voting  
13 machine in the county clerk's office or other place designated by the county  
14 board of elections, and approved by the State Board of Elections, up to the  
15 close of normal business hours on the day before the election. Precinct  
16 election officers' verification of appointment shall also contain the date of  
17 appointment. The applications shall be restricted to the use of the voter only.

- 18 (g) The members of the county board of elections or their designees who provide  
19 equal representation of both political parties may serve as precinct election  
20 officers, without compensation, for all in-person absentee voting performed  
21 on a voting machine in the county clerk's office or other place designated by  
22 the county board of elections and approved by the State Board of Elections. If  
23 the members of the county board of elections or their designees serve as  
24 precinct election officers for the in-person absentee voting, they shall perform  
25 the same duties and exercise the same authority as precinct election officers  
26 who serve on the day of an election. If the members of the county board of  
27 elections or their designees do not serve as precinct election officers for in-

1 person absentee voting, the county clerk or deputy county clerks shall  
2 supervise the in-person absentee voting.

3 (h) Any individual qualified to appoint challengers for the day of an election may  
4 also appoint challengers to observe all in-person absentee voting performed at  
5 the county clerk's office or other place designated by the county board of  
6 elections, and approved by the State Board of Elections, and those challengers  
7 may exercise the same privileges as challengers appointed for observing  
8 voting on the day of an election at a regular polling place.

9 (2) The county clerk shall type the name of the voter permitted to vote by mail-in  
10 absentee ballot on the mail-in absentee ballot application form for that person's use  
11 and no other. The mail-in absentee ballot application form shall be in the form  
12 prescribed by the State Board of Elections~~[, shall bear the seal of the county clerk,]~~  
13 and shall contain the following information: name, residential address, precinct,  
14 party affiliation, statement of the reason the person cannot vote in person on  
15 election day, statement of where the voter shall be on election day, statement of  
16 compliance with residency requirements for voting in the precinct, and the voter's  
17 mailing address for a mail-in absentee ballot. The mail-in absentee ballot  
18 application form shall be verified and signed by the voter. A notice of the actual  
19 penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in  
20 absentee ballot application form.

21 (3) (a) If the county clerk finds that the voter **has presented a completed application**  
22 **for a mail-in absentee ballot as provided in this section,** is properly  
23 registered as stated in his or her mail-in absentee ballot application form, and  
24 qualifies to receive a mail-in absentee ballot by mail, **the county clerk**~~he or~~  
25 ~~she~~ shall mail to the voter a mail-in absentee ballot, two (2) official  
26 envelopes for returning the mail-in absentee ballot, and instructions for voting.

27 **(b) Mail-in absentee ballots shall not be mailed to a voter's residential address**



- 1 located in the county in which the voter is registered except for:
- 2 1. Qualified voters who apply pursuant to the requirements of paragraph
- 3 subsection (1)(a)8. of this section and KRS 117.077;
- 4 2. Voters who are incarcerated in jail but have yet to be convicted;
- 5 3. Voters who are uniformed service voters as defined in KRS 117A.010
- 6 that are confined to a military base on election day;
- 7 4. A voter who is prevented from voting in person at the polls on election
- 8 day and from casting an in-person absentee ballot in the county
- 9 clerk's office on all days in-person absentee voting is conducted
- 10 because his or her employment location requires the voter to be absent
- 11 from the county of the voter's residence all hours and all days in-
- 12 person absentee voting is conducted in the county clerk's office; or
- 13 5. A voter who is a student who temporarily resides outside the county of
- 14 his or her residence, if the student voter requests that the mail-in
- 15 absentee ballot be sent to the student's residential address located in
- 16 the county in which the voter is registered.

17 (c) The county clerk shall complete a postal form for a certificate of mailing for  
 18 mail-in absentee ballots mailed within the fifty (50) states, and it shall be  
 19 stamped by the postal service when the mail-in absentee ballots are mailed.

20 (d) A mail-in absentee ballot may be transmitted by facsimile machine or by the  
 21 electronic transmission system established under KRS 117A.030(4) to a  
 22 covered voter as defined in KRS 117A.010. The covered voter shall be  
 23 notified of the options for transmittal of the mail-in absentee ballot, and the  
 24 mail-in absentee ballot shall be transmitted by the method chosen for receipt  
 25 by the resident of Kentucky who is a covered voter.

26 (4) Mail-in absentee ballots which are requested prior to the printing of the mail-in  
 27 absentee ballots shall be mailed or otherwise transmitted as provided in subsection

1 (3) of this section by the county clerk to the voter within three (3) days of the receipt  
2 of the printed ballots. Mail-in absentee ballots requested after the receipt of the  
3 ballots by the county clerk shall be mailed or otherwise transmitted as provided in  
4 subsection (3) of this section to the voter within three (3) days of the receipt of the  
5 request.

6 (5) The county clerk shall cause mail-in absentee ballots to be printed fifty (50) days  
7 prior to each primary or regular election, and forty-five (45) days prior to a special  
8 election.

9 (6) The outer envelope shall bear the words "Absentee Ballot" and the address and  
10 official title of the county clerk and shall provide space for the voter's signature,  
11 voting address, precinct number, and signatures of two (2) witnesses if the voter  
12 signs the form with the use of a mark instead of the voter's signature. A detachable  
13 flap on the inner envelope shall provide space for the voter's signature, voting  
14 address, precinct number, signatures of two (2) witnesses if the voter signs the form  
15 with the use of a mark instead of the voter's signature and notice of penalty provided  
16 in KRS 117.995(5). The county clerk shall type the voter's address and precinct  
17 number in the upper left hand corner of the outer envelope and of the detachable  
18 flap on the inner envelope immediately below the blank space for the voter's  
19 signature. The inner envelope shall be blank. The county clerk shall retain the mail-  
20 in ballot application form and the postal form required by subsection (3) of this  
21 section for twenty-two (22) months after the election.

22 (7) Any person who has received a mail-in absentee ballot by mail but who knows at  
23 least seven (7) days before the date of the election that he or she will be in his or her  
24 county of residence on election day and who has not voted pursuant to the  
25 provisions of KRS 117.086 shall cancel his or her mail-in absentee ballot and vote  
26 in person. The voter shall return the mail-in absentee ballot to the county clerk's  
27 office no later than seven (7) days prior to the date of the election. Upon the return

1 of the mail-in absentee ballot, the county clerk shall mark on the outer envelope of  
2 the sealed ballot or the unmarked ballot the words "Canceled because voter  
3 appeared to vote in person." Sealed envelopes so marked shall not be opened. The  
4 county clerk shall remove the voter's name from the list of persons who were sent  
5 mail-in absentee ballots, and the voter may vote in the precinct in which he or she is  
6 properly registered.

7 (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested  
8 mail-in absentee ballot within a reasonable amount of time shall contact the county  
9 clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall  
10 keep a record of the mail-in absentee ballots issued and returned by mail, and the in-  
11 person absentee voting that is performed on the voting machine in the county clerk's  
12 office or other place designated by the county board of elections and approved by  
13 the State Board of Elections, to verify that only the first voted ballot to be returned  
14 by the voter is counted. Upon the return of any ballot after the first ballot is  
15 returned, the county clerk shall mark on the outer envelope of the sealed ballot the  
16 words "Canceled because ballot reissued."

17 (9) Any covered voter as defined in KRS 117A.010 who has received a mail-in  
18 absentee ballot but who knows that he or she will be in the county on election day  
19 and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his  
20 or her mail-in absentee ballot and vote in person. The voter shall return the mail-in  
21 absentee ballot to the county clerk's office on or before election day. Upon the  
22 return of the mail-in absentee ballot, the county clerk shall mark on the outer  
23 envelope of the sealed mail-in absentee ballot or the unmarked mail-in absentee  
24 ballot the words "Canceled because voter appeared to vote in person." Sealed  
25 envelopes so marked shall not be opened. If the covered voter is unable to return the  
26 mail-in absentee ballot to the county clerk's office on or before election day, at the  
27 time he or she votes in person, he or she shall sign a written oath as to his or her

1 qualifications on the form prescribed by the State Board of Elections pursuant to  
2 KRS 117.245. The county clerk shall remove the voter's name from the list of  
3 persons who were sent mail-in absentee ballots, provide the voter with written  
4 authorization to vote at the precinct, and the voter may vote in the precinct in which  
5 he or she is properly registered.

6 (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to  
7 61.884, the information contained in an application for a mail-in absentee ballot  
8 shall not be made public until after the close of business hours on the election day  
9 for which the application applies. This subsection shall not prohibit at any time the  
10 disclosure, upon request, of the total number of applications for mail-in absentee  
11 ballots that have been filed, or the disclosure to the Secretary of State or the State  
12 Board of Elections, if requested or if otherwise required by law, of any information  
13 in an application for a mail-in absentee ballot.

14 ➔Section 6. KRS 117.145 is amended to read as follows:

15 (1) At least forty-five (45)~~fifteen (15)~~ days before any special election, and at least  
16 fifty (50) days before any primary or regular election, the county clerk of each  
17 county shall cause to be printed and ready for use ballot labels for each candidate  
18 who, and each question which, is entitled to be voted upon in such election. The  
19 ballot labels shall be printed on clear white paper or other material which shall be  
20 furnished by the printer. They shall be printed in black ink, in plain, clear type  
21 clearly legible to a person with normal vision, and shall be of a size to fit the ballot  
22 frames. The labels shall include the necessary party designations.

23 (2) Each county clerk shall have printed a sufficient number of paper absentee ballots.  
24 The absentee ballot shall be used for voting by absent voters; by precinct officers  
25 who have been assigned to a precinct other than their own; by members of a county  
26 board of elections; by voters so disabled by age, infirmity or illness as to be unable  
27 to appear at the polls; and for voting in an emergency situation. The ballot stubs

1 shall be consecutively numbered and the county board shall keep a record, by  
2 number, of all absentee ballots used for any of the purposes listed herein.

3 (3) No later than the Friday preceding a special or regular election, the county clerk  
4 shall equip the voting machines with the necessary supplies for the purpose of  
5 write-in votes. The county clerk shall also attach a pencil or pen to the voting  
6 machine for write-in purposes.

7 (4) If supplemental paper ballots have been approved as provided in KRS 118.215, the  
8 county clerk shall cause to be printed a sufficient number of paper ballots for the  
9 registered voters of each precinct. The paper ballots shall have stubs which are  
10 numbered consecutively. ~~[ The quality of paper on which the supplemental paper~~  
11 ~~ballots are printed shall be determined by regulations promulgated by the secretary~~  
12 ~~of the Finance and Administration Cabinet.]~~

13 ➔Section 7. KRS 117.187 is amended to read as follows:

14 (1) The State Board of Elections shall regularly provide special training regarding the  
15 election laws and methods of enforcement to all members of county boards of  
16 elections, county attorneys, Commonwealth's attorneys, and certain members of the  
17 Department of Kentucky State Police.

18 (2) The county board of elections shall provide special training before each primary and  
19 regular election, and any special election held during a year in which no elections  
20 are scheduled, to all election officers, alternates, and certified challengers regarding  
21 their duties and the penalties for failure to perform. Election officers, including  
22 alternates, and certified challengers shall attend the training session, unless excused  
23 by the county board of elections for reason of illness or other emergency. Any  
24 person who fails to attend a training session without being excused shall be  
25 prohibited from serving as an election officer or challenger for a period of five (5)  
26 years. The training provided by the county board of elections shall include but not  
27 be limited to the following:

- 1 (a) Operation of the voting machine or ballot cards;
- 2 (b) Posting of necessary signs and notices at the polling place;
- 3 (c) Voter assistance;
- 4 (d) Maintaining precinct rosters;
- 5 (e) Confirmation of a voter's identity;
- 6 (f) Challenge of a voter;
- 7 (g) Completing changes of address or name at the polling place;
- 8 (h) Qualifications for voting in a primary~~[election]~~;
- 9 (i) Electioneering and exit polling;
- 10 (j) Write-in voting procedures;
- 11 (k) Persons who may be in the voting room;
- 12 (l) Election violations and penalties;
- 13 (m) Assistance which may be provided by law enforcement officers;
- 14 (n) Election reports;
- 15 (o) Disability awareness;
- 16 (p) Provisional voting process;
- 17 (q) Election emergency contingency plan; and
- 18 (r) Elections and voting equipment security plan.
- 19 (3) The county attorney *or the county attorney's designee may*~~shall~~ attend the  
 20 training session for election officers to assist in explaining the duties and penalties  
 21 for failure to perform.
- 22 (4) Compensation in the minimum amount of ten dollars (\$10) for reimbursement of  
 23 actual expenses shall be paid by the county to the election officers for attending the  
 24 training session.
- 25 ➔Section 8. KRS 117.255 is amended to read as follows:
- 26 (1) The voter shall be instructed by the officers of election, with the aid of the  
 27 instruction cards and the model, in the use of the machine, if the voter so requests.

- 1 (2) Except for those voters who have been certified as requiring assistance on a  
2 permanent basis under this section, no voter shall be permitted to receive any  
3 assistance in voting at the polls unless the voter~~[he]~~ makes and signs an oath that,  
4 because of blindness, other physical disability, or an inability to read English, the  
5 voter~~[he]~~ is unable to vote without assistance. The voter shall state in the oath the  
6 specific reason that requires the voter to receive assistance. The oath shall be upon  
7 a voter assistance form prescribed by the State Board of Elections, in  
8 administrative regulations promulgated under KRS Chapter 13A. No voter shall  
9 be assisted under this section unless the judges and the sheriff of election are  
10 satisfied of the truth of the facts stated in the oath~~[Any person assisting a voter~~  
11 ~~shall complete the voter assistance form].~~
- 12 (3) Upon making and filing the oath with the precinct clerk, the voter requiring  
13 assistance shall retire to the voting booth~~[machine]~~ or ballot completion area with  
14 the precinct judges, and one (1) of the judges shall, in the presence of the other  
15 judge and the voter, operate the machine or complete the ballot as the voter directs.  
16 A voter requiring assistance in voting may, if the voter~~[he]~~ prefers, be assisted by a  
17 person of the voter's~~[his]~~ own choice who is not an election officer, except that the  
18 voter's employer, an agent of the voter's employer, or an officer or agent of the  
19 voter's union shall not assist a voter. Any person assisting a voter shall complete  
20 the voter assistance form prescribed by the State Board of Elections in  
21 administrative regulations promulgated under KRS Chapter 13A.
- 22 (4) The precinct election clerk shall swear a person assisting a voter in voting to operate  
23 the voting machine or complete the ballot in accordance with the directions of the  
24 voter, and the person sworn shall enter the voting booth or ballot completion area  
25 and operate the machine or complete the ballot for the voter as the voter directs.
- 26 (5) A voter who requires voting assistance on a permanent basis because of blindness  
27 or other physical disability may apply to the county board of elections for

1 certification. Application may be made when registering to vote or completing the  
 2 voter assistance form by indicating that the reason for obtaining assistance is  
 3 permanent. The county board of elections shall determine whether the applicant  
 4 requires assistance on a permanent basis. The county board of elections shall notify  
 5 the county clerk of persons certified as requiring permanent voting assistance and  
 6 the county clerk shall enter the certification on the voter's registration record. The  
 7 State Board of Elections shall indicate on the precinct roster of voters those voters  
 8 who are certified to receive assistance permanently without signing the voter  
 9 assistance form at the precinct.

10 (6) "Voting booth" or "ballot completion area" means an area in which a voter casts his  
 11 or her vote or completes his or her ballot which is designed to insure the secrecy of  
 12 the vote. ~~[No voter shall be assisted under this subsection unless the judges and the~~  
 13 ~~sheriff of election are satisfied of the truth of the facts stated in the oath. The voter~~  
 14 ~~shall state in his oath the specific reason that requires him to receive assistance.]~~

15 (7) No voter shall be permitted to occupy the voting booth or ballot completion  
 16 area~~[machine]~~ more than four (4)~~[two (2)]~~ minutes if other voters are waiting to  
 17 use it, except that those voters who because of a disability need extra time to cast a  
 18 ballot shall be given a reasonable amount of time to vote.

19 (8) In a primary~~[elections]~~, before a voter is permitted to use the voting machine, a  
 20 judge of the election shall adjust the machine so that the voter will only be able to  
 21 vote for the persons for whom the voter is qualified to vote.

22 (9) If the machine is so constructed as to require adjustment after one person has voted  
 23 before another person may vote, the judges of election shall adjust it after each  
 24 person has voted.

25 (10) The election officers shall constantly maintain a watch in order to prevent any  
 26 person from voting more than once.

27 (11) If supplemental paper ballots have been approved~~[,]~~ as provided in KRS 118.215,



1 the voter shall vote his or her ballot in privacy in a booth provided for that purpose  
 2 by the county clerk. If the voter spoils his or her ballot, the voter~~he~~ shall return  
 3 the spoiled paper ballot to an election official who shall stamp the ballot "Spoiled,"  
 4 initial, and place the spoiled supplemental paper ballot in an envelope provided for  
 5 that purpose. The voter shall be issued a second supplemental paper ballot. Upon  
 6 completion of voting, the voter shall remove the numbered stub from the ballot,  
 7 hand the stub to an election official, and deposit the voted ballot in the locked ballot  
 8 box in the presence of precinct election officials.

9 (12) The election sheriff shall be responsible for reporting violations of this section.

10 ➔Section 9. KRS 117.375 is amended to read as follows:

11 As used in this chapter, unless the context otherwise requires:

12 (1) "Electronic or electromechanical voting system" means a system of casting votes by  
 13 use of marking devices and tabulating ballots employing automatic tabulating  
 14 equipment or data processing equipment.

15 (2) "Automatic tabulating equipment" means apparatus necessary to automatically  
 16 examine and count votes as designated on ballots and data processing machines  
 17 which can be used for counting ballots and tabulating results.

18 (3) "Voting device" means either an apparatus in which paper ballots or ballot cards are  
 19 used in connection with an implement by which a voter registers his votes with ink  
 20 or other substance~~or by punching~~, or an apparatus by which such votes are  
 21 marked or registered electronically, so that in either case the votes so registered  
 22 may be computed and tabulated by means of automatic tabulating equipment.

23 (4) "Ballot card" means a tabulating card on which votes may be recorded by a voter by  
 24 use of a voting~~punch~~ device or by marking with a pen or special marking device.

25 (5) "Ballot label" means the cards, papers, booklet, pages or other material on which  
 26 appear the names of candidates and the questions to be voted on by means of ballot  
 27 cards or voting machines.

1 (6) "Ballot" or "official ballot" means the voting machine ballot label, ballot cards,  
 2 paper ballots, an absentee ballot, or a supplemental paper ballot which has been  
 3 authorized for the use of voters in any primary, ***regular election***~~[general]~~ or special  
 4 election by the Secretary of State or the county clerk.

5 ~~(7) ["Voting punch device" means an apparatus in which ballots or ballot cards are  
 6 inserted for the piercing of ballots by the voter. The hole may be in the form of a  
 7 round dot, rectangle, square, or any other shape that will clearly indicate the intent  
 8 of the voter.]~~

9 ~~(8)~~ "Vote marking device" means any approved device for marking a paper ballot with  
 10 ink or other substance which will enable the ballot to be tabulated by means of  
 11 automatic tabulating equipment.

12 ~~(8)~~~~(9)~~ "Secrecy envelope" means the envelope handed to the voter with ***the***  
 13 ***voter's***~~[his]~~ ballot into which the voter shall place ***the voter's***~~[his]~~ voted ballot  
 14 cards.

15 ~~(9)~~~~(10)~~ "Precinct ballot counter" means an automatic tabulating device used at the  
 16 precinct to tabulate and process ballots.

17 ~~(10)~~~~(11)~~ "Voting machine" or "machine" shall include~~[lever machines and]~~, as far as  
 18 applicable, any electronic or electromechanical unit and supplies utilized or relied  
 19 upon by a voter in casting and recording ***the voter's***~~[his]~~ votes in an election.

20 ➔Section 10. KRS 117.383 is amended to read as follows:

21 The State Board of Elections shall ***promulgate administrative***~~[prescribe rules and]~~  
 22 regulations ***under KRS Chapter 13A*** which shall include but not be limited to the  
 23 following:

24 (1) Achieve and maintain the maximum degree of correctness, impartiality, and  
 25 efficiency of the procedures of voting;

26 (2) Count, tabulate, and record votes;

27 (3) Establish a method for placing items on the electronic voting device, which shall, as

- 1           closely as possible, follow the requirements pertaining to ballot labels;
- 2       (4) Design the ballot cards, including a numerical system to insure an accurate record of
- 3           all voting activities;
- 4       (5) Instruct voters in the use of the voting device;
- 5       (6) Provide for checking the accuracy of the equipment;
- 6       (7) Provide necessary supplies, including those necessary for a write-in vote and
- 7           secrecy envelopes for ~~ballot punch~~ cards or data processing cards to insure voter
- 8           privacy;
- 9       (8) As part of the official canvass, provide for a manual recount of randomly selected
- 10           precincts representing three percent (3%) to five percent (5%) of the total ballots
- 11           cast in each election;
- 12       (9) Provide a method for maintaining sufficient documents and records so that votes
- 13           can be recounted. Such documents and records shall include any material other than
- 14           a ballot card which is imprinted with the names of candidates and issues voted
- 15           upon. Records shall be maintained in such a manner that a specific piece of printed
- 16           material listing issues and candidates can be matched with the specific ballot cards
- 17           which were marked in reliance upon such printed material. Except as otherwise
- 18           required in this chapter that certain records and papers relating to specified elections
- 19           be retained for twenty-two (22) months, such documents and records shall be
- 20           maintained for thirty (30) days following an election.

21       ➔Section 11. KRS 117.995 is amended to read as follows:

- 22       (1) Any person appointed to serve as an election officer but who shall knowingly and
- 23           willfully fail to serve and who is not excused by the county board of elections for
- 24           the reasons specified in this chapter shall be guilty of a violation and shall be
- 25           ineligible to serve as an election officer for a period of five (5) years.
- 26       (2) Any county clerk or member of the county board of elections who knowingly and
- 27           willfully violates any of the provisions of this chapter, including furnishing

1 applications for absentee ballots to persons other than those specified by the  
2 provisions of this chapter and failure to type the name of the voter on the  
3 application form as required by the provisions of this chapter, shall be guilty of a  
4 Class D felony.

5 (3) Any officer who willfully fails to prepare or furnish ballot labels or absentee ballots  
6 or fails to allow a qualified voter to cast his or her vote on the machine as required  
7 of the voter by this chapter shall be guilty of a Class A misdemeanor.

8 (4) Any election officer who knowingly and willfully violates any of the provisions of  
9 this chapter, including failure to enforce the prohibition against electioneering  
10 established by KRS 117.235, shall be guilty of a Class A misdemeanor for the first  
11 offense and a Class D felony for each subsequent offense.

12 (5) Any person who signs a name other than his or her own on an application for an  
13 absentee ballot or on the verification form for the ballot or on an emergency  
14 absentee ballot affidavit, or any person who votes an absentee ballot other than the  
15 one issued in his or her name, or any person who applies for the ballot for the use of  
16 anyone other than himself or herself or the person designated by the provisions of  
17 this chapter, or any person who makes a false statement on an application for an  
18 absentee ballot or on an emergency absentee ballot affidavit shall be guilty of a  
19 Class D felony.

20 (6) Any person who violates any provision of KRS 117.235 or 117.236 related to  
21 prohibited activities during absentee voting or on election day, after he or she has  
22 been duly notified of the provisions by any precinct election officer, county clerk,  
23 deputy county clerk, or other law enforcement official, shall, for each offense, be  
24 guilty of a Class A misdemeanor.

25 (7) Any person who knowingly and willfully prepares or assists in the preparation of an  
26 inaccurate or incomplete voter assistance form or fails to complete a voter  
27 assistance form when required shall be guilty of a Class A misdemeanor for the first

1 offense and a Class D felony for each subsequent offense; however, if a voter has  
 2 been permanently certified as requiring voting assistance, there shall be no offense  
 3 for the failure of the voter to complete the form.

4 (8) The members of a county board of elections who fail~~that fails~~ to provide the  
 5 training to precinct election officers required by KRS 117.187(2) shall be subject to  
 6 removal by the State Board of Elections.

7 (9) Any local or state election official, including the Secretary of State, any employee~~of~~  
 8 ~~employees~~ of the Secretary, any member~~and members~~ of the State Board of  
 9 Elections, and any member of the~~and their~~ staff of the State Board of Elections,  
 10 who knowingly and willfully uses the voter registration roster in violation of KRS  
 11 117.025(3)(a) shall, for each offense, be guilty of a Class A misdemeanor.

12 ➔Section 12. KRS 118.015 is amended to read as follows:

13 As used in this chapter, unless the context otherwise requires:

14 (1) A "political party" is an affiliation or organization of electors representing a  
 15 political policy and having a constituted authority for its government and regulation,  
 16 and whose candidate received at least twenty percent (20%) of the total vote cast at  
 17 the last preceding election at which presidential electors were voted for;

18 (2) The word "election" used in reference to a state, district, county, or city election,  
 19 includes the decisions of questions submitted to the qualified voters as well as the  
 20 choice of officers by them;

21 (3) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards,  
 22 paper ballots, an absentee ballot, or a supplemental paper ballot which has been  
 23 authorized for the use of the voters in any primary, regular election~~general~~, or  
 24 special election by the Secretary of State or the county clerk;

25 (4) "Ballot label" means the cards, papers, booklet, pages, or other material on which  
 26 appear the names of candidates and the questions to be voted on by means of ballot  
 27 cards or voting machines;

- 1 (5) "Ballot card" means a tabulating card on which votes may be recorded by a voter by  
 2 use of a voting~~[punch]~~ device or by marking with a pen or special marking device;
- 3 (6) "Voting machine" or "machine" shall include~~[lever machines and]~~, as far as  
 4 applicable, any electronic or electromechanical unit and supplies utilized or relied  
 5 upon by a voter in casting and recording the voter's~~[his]~~ votes in an election;
- 6 (7) The word "resident" used in reference to a candidate in a state, district, county, or  
 7 city election shall mean actual resident, without regard to the residence of the  
 8 spouse of the candidate;
- 9 (8) "Political organization" means a political group not constituting a political party  
 10 within the meaning of subsection (1) of this section but whose candidate received  
 11 two percent (2%) or more of the vote of the state at the last preceding election for  
 12 presidential electors; and
- 13 (9) "Political group" means a political group not constituting a political party or a  
 14 political organization within the meaning of subsections (1) and (8) of this section.

15 ➔Section 13. KRS 118.205 is amended to read as follows:

16 The Secretary of State and the county clerks shall each keep a book entitled "Register of  
 17 Candidates for Nomination in the Primary Election," and shall enter on different pages of  
 18 the book for the different political parties the title of office sought, the~~[and]~~ name and  
 19 residence of each candidate for nomination in the primary~~[election]~~, the name of the  
 20 candidate's~~[his]~~ political party, and the date of receiving the~~[his]~~ nomination papers. The  
 21 book shall be so kept that the names of all candidates of the same political party shall be  
 22 on the same or successive pages, and the names of candidates of no two (2) political  
 23 parties shall appear on the same page. The books shall be public records, and shall be  
 24 retained for twenty-two (22) months.

25 ➔Section 14. KRS 118.305 is amended to read as follows:

- 26 (1) Except as provided in KRS 118.345, and subject to the provisions of subsections  
 27 (2), (3), and (4) of this section, the county clerk of each county shall cause to be

1 printed for the voting machines and on the ballots and absentee ballots for the  
2 regular election the names of the following persons:

3 (a) Candidates of a political party, as defined in KRS 118.015, who have received  
4 certificates of nomination at the preceding primary, or certificates of  
5 nomination under KRS 118.185, and whose certificates of nomination have  
6 been filed with the Secretary of State or the appropriate county clerk;

7 (b) Candidates of a political party, as defined in KRS 118.015, who have been  
8 nominated for an unexpired term in a manner determined by the governing  
9 authority of the party, as provided in KRS 118.115, and whose evidences of  
10 nomination have been filed with the Secretary of State or the appropriate  
11 county clerk within the time prescribed in this chapter;

12 (c) Candidates of a political party, as defined in KRS 118.015, who have been  
13 nominated by the governing authority of the party to fill a vacancy in the  
14 candidacy of a person nominated at the preceding primary election, as  
15 provided in KRS 118.105, and whose certificates of nomination have been  
16 filed with the Secretary of State or the appropriate county clerk, by at least the  
17 date provided by the election law generally for such filing;

18 (d) Candidates who have been nominated by a political organization as provided  
19 in KRS 118.325 and whose certificates or petitions of nomination have been  
20 filed with the Secretary of State or the appropriate county clerk within the  
21 time prescribed in this chapter;

22 (e) Independent candidates who have been nominated by petition as provided in  
23 KRS 118.315, and whose petitions of nomination have been filed with the  
24 Secretary of State or the appropriate county clerk within the time prescribed in  
25 this chapter;

26 (f) Successful nominees of all nonpartisan primaries which shall have been  
27 conducted;

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



- 1 for the printing and reprogramming shall be paid by the political party who  
2 has nominated a replacement candidate, or proportionately by each political  
3 party if each party nominates a replacement candidate;
- 4 (i) Candidates for President and Vice President of the United States, of those  
5 political parties and organizations who have nominated presidential electors as  
6 provided in KRS 118.325, if the certificate of nomination of the electors has  
7 been filed with the Secretary of State within the time prescribed in this  
8 chapter;
- 9 (j) Candidates for soil and water district supervisors who have been nominated  
10 by petition as provided in KRS 262.210; and
- 11 (k) Candidates for city office for which no nonpartisan primary has been  
12 conducted in a city which requires nonpartisan city elections.
- 13 (2) Any candidate for city office who is defeated in a partisan or nonpartisan primary  
14 shall be ineligible as a candidate for the same office in the regular election.
- 15 (3) Candidates for members of boards of education shall have their names printed on  
16 ballot labels and absentee ballots for the regular election only after filing as  
17 provided in KRS 160.220.
- 18 (4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be  
19 printed upon the ballot labels and absentee ballots for any regular election as the  
20 nominee of any political party, as defined in KRS 118.015, or under the emblem of  
21 any political party, as so defined, except those candidates who have been duly and  
22 regularly nominated as nominees of that party at a primary held as provided in this  
23 chapter.
- 24 (5) No county clerk shall knowingly cause to be printed, upon the ballot labels or  
25 absentee ballots for any regular election, the name of any candidate of a political  
26 party, as defined in KRS 118.015, who has not been nominated in the manner  
27 provided in the ~~primary election~~ laws **pertaining to a primary** or the name of any

1 candidate who is not in compliance with the restrictions concerning party  
2 registration and candidacy provided in~~[of]~~ KRS 118.315(1).

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

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

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

15 ➔Section 15. KRS 118.365 is amended to read as follows:

16 (1) Certificates of nomination issued by the State Board of Elections shall be filed by  
17 that board with the Secretary of State immediately. The certificates issued by the  
18 county board of elections shall be filed by that board with the county clerk  
19 immediately.

20 (2) Petitions of nomination for candidates for city offices except as provided in **Section**  
21 **2 of this Act and** KRS 83A.047, for candidates for members of boards of education,  
22 and for candidates for supervisors of soil and water conservation districts, shall be  
23 filed with the county clerk not earlier than the first Wednesday after the first  
24 Monday in November of the year preceding the year in which the office will appear  
25 on the ballot and not later than the first Tuesday after the first Monday in June  
26 preceding the day fixed by law for the holding of regular elections for the offices  
27 sought.

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

1 the first Monday in June preceding the day fixed by law for the holding of regular  
 2 elections for the offices sought. The filing of petitions of nomination for  
 3 independent, or political organization, or political group candidates shall not be  
 4 accepted by the Secretary of State or the county clerk if the candidate has not filed a  
 5 statement-of-candidacy form as required by KRS 118.367.

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

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

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

18 ➔Section 16. KRS 118A.010 is amended to read as follows:

19 As used in this chapter, unless the context otherwise requires:

20 (1) "Ballot" or "official ballot" means the voting machine ballot label, ballot cards,  
 21 paper ballots, an absentee ballot, a special ballot, or a supplemental paper ballot  
 22 which has been authorized for the use of the voters in any primary, ***regular***  
 23 ***election***~~[general]~~, or special election by the Secretary of State or the county clerk;

24 (2) "Ballot card" means a tabulating card on which votes may be recorded by a voter by  
 25 use of a voting device or by marking with a pen or special marking device;

26 (3) "Ballot label" means the cards, papers, booklet, pages, or other material on which  
 27 appear the names of candidates and the questions to be voted on by means of ballot

1 cards or voting machines;

2 (4) "Election" refers only to elections for offices of the Court of Justice; and

3 (5) "Voting machine" or "machine" shall include ~~lever machines and~~, as far as  
4 applicable, any electronic or electromechanical unit and supplies utilized or relied  
5 upon by a voter in casting ***the voter's***~~[his]~~ vote in an election.

6 No provisions of KRS Chapter 118 existing on March 10, 1976, except KRS 118.015  
7 through 118.045 shall apply to such elections. All other provisions of the election laws  
8 not inconsistent with this chapter shall be applicable thereto.

9 ➔Section 17. KRS 118A.100 is amended to read as follows:

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

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

21 (3) Each candidate shall file a petition for nomination with the Secretary of State not  
22 earlier than the first Wednesday after the first Monday in November of the year  
23 preceding the year in which the election for the unexpired term will be held and not  
24 later than the first Tuesday after the first Monday in June preceding the day fixed by  
25 law for holding the regular election for the unexpired term, if the vacancy occurs  
26 prior to the first Tuesday following the first Monday in June. If the vacancy occurs  
27 after the first Tuesday following the first Monday in June, each candidate shall file a

1 petition for nomination with the Secretary of State not later than the second Tuesday  
2 in August preceding the day fixed by law for holding the regular election for the  
3 unexpired term. The petition shall be sworn to by the candidate and by not less than  
4 two (2) registered voters from the district or circuit from which he or she seeks  
5 nomination, before an officer authorized to administer an oath. Signatures for  
6 nomination papers shall not be affixed on the document to be filed prior to the first  
7 Wednesday after the first Monday in November of the year preceding the year in  
8 which the office will appear on the ballot. The petition shall be filed no later than 4  
9 p.m. local time at the place of filing when filed on the last date on which the papers  
10 are permitted to be filed.

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

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

21 (6) The order of names on the ballot for each district or circuit, and numbered division  
22 if divisions exist, shall be determined by lot at a public drawing to be held in the  
23 office of the Secretary of State at 2 p.m., standard time, on the Thursday following  
24 the first Tuesday after the first Monday in June preceding the regular election for  
25 those petitions for nomination required to be filed no later than the first Tuesday  
26 following the first Monday in June. For those petitions for nomination required to  
27 be filed no later than the second Tuesday in August, the order of names on the ballot

1 for each district and circuit, and numbered division if divisions exist, shall be  
2 determined by lot at a public drawing to be held in the office of the Secretary of  
3 State at 2 p.m., standard time, on the Thursday following the second Tuesday in  
4 August preceding the regular election.

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

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

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

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

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

21 (10) The names of the candidates shall be placed on the voting machine in a separate  
22 column or columns or in a separate line or lines and identified by the words  
23 "Judicial Ballot," and in a manner so that the casting of a vote for all of the  
24 candidates of a political party will not operate to cast a vote for judicial candidates.  
25 The words "Vote for one" or "Vote for one in each division," shall be printed on the  
26 appropriate location. The office, numbered division if divisions exist, and the  
27 candidates therefor shall be clearly labeled. No party designation or emblem of any

1 kind, nor any sign indicating any candidate's political belief or party affiliation, shall  
2 be used on voting machines or special ballots.

3 (11) The candidate receiving the highest number of votes cast at the regular election for a  
4 district or circuit, or for a numbered division if divisions exist, shall be elected.

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

9 ➔Section 18. KRS 119.005 is amended to read as follows:

10 (1) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards,  
11 paper ballots, an absentee ballot, a special ballot, or a supplemental paper ballot  
12 which has been authorized for the use of the voters in any primary, **regular**  
13 **election,** ~~[general]~~ or special election by the Secretary of State or the county clerk;

14 (2) "Ballot label" means the cards, papers, booklet, pages or other material on which  
15 appear the names of candidates and the questions to be voted on by means of ballot  
16 cards or voting machines;

17 (3) "Ballot card" means a tabulating card on which votes may be recorded by a voter by  
18 use of a voting ~~[punch]~~ device or by marking with a pen or special marking device;

19 (4) "Voting machine" or "machine" shall include ~~[lever machines and]~~, as far as  
20 applicable, any electronic or electromechanical unit and supplies utilized or relied  
21 upon by a voter in casting and recording **the voter's** ~~[his]~~ vote in an election.

22 ➔Section 19. KRS 120.005 is amended to read as follows:

23 (1) A "ballot" or "official ballot" means the voting machine ballot label, ballot cards,  
24 paper ballots, an absentee ballot, a special ballot, or a supplemental paper ballot  
25 which has been authorized for the use of the voters in any primary, **regular**  
26 **election,** ~~[general]~~ or special election by the Secretary of State or the county clerk;

27 (2) "Ballot label" means the cards, papers, booklet, pages or other material on which



1 appear the names of candidates and the questions to be voted on by means of ballot  
2 cards or voting machines;

3 (3) "Ballot card" means a tabulating card on which votes may be recorded by a voter by  
4 use of a voting~~[punch]~~ device or by marking with a pen or special marking device;

5 (4) "Voting machine" or "machine" shall include~~[lever machines and]~~, as far as  
6 applicable, any electronic or electromechanical unit and supplies utilized or relied  
7 upon by a voter in casting and recording the voter's~~[his]~~ vote in an election.

8 ➔Section 20. KRS 242.030 is amended to read as follows:

9 (1) The date of the local option election shall be stated in the petition for the local  
10 option election.

11 (2) The local option election shall be held not earlier than sixty (60) and not later than  
12 one hundred fifty (150) days after the date the petition is filed with the county clerk.

13 (3) No local option election shall be held in the same territory more than once in every  
14 three (3) years.

15 (4) In order for the local option election to be held on the day fixed by law for holding a  
16 primary, the petition shall be filed not earlier than the first Wednesday after the first  
17 Monday in November of the year preceding the day on which the primary is to be  
18 held and not later than the first Friday following the first Monday~~[last Tuesday]~~ in  
19 January preceding the day fixed by law for holding the primary.

20 (5) In order for the local option election to be held on the day fixed by law for a regular  
21 election, the petition shall be filed not later than the second Tuesday in August  
22 preceding the day fixed by law for holding the regular election.