

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 ***as provided under Section 3 of this Act***~~[in partisan elections]~~.
11 After the initial terms of office of the first elected council members, council
12 members shall be elected in the same election years as other local government
13 officials as regulated by the regular election laws of the Commonwealth and as
14 provided in subsection (4) of this section.
- 15 (6) No person shall be eligible to serve as a member of a consolidated local government
16 council unless he or she is at least eighteen (18) years old, a qualified voter, and a
17 resident within the territory of the consolidated local government and the district
18 that he or she seeks to represent for at least one (1) year immediately prior to the
19 person's election. A council member shall continue to reside within the district from
20 which he or she was elected throughout the term of office.
- 21 (7) The presiding officer of a consolidated local government council shall be a
22 president who shall be chosen annually by a majority vote of the entire council from
23 among its members at the first meeting of the council in January. The council
24 president has the right to introduce any resolution or recommend any ordinance and
25 shall be entitled to vote on all matters.
- 26 (8) The consolidated local government council shall upon notice meet within seven (7)
27 days after its members have taken office, and shall thereafter hold at least one (1)

1 regular meeting per month. No newspaper notice shall be required for regular or
2 special meetings of the consolidated local government council. However, notice of
3 all meetings of the council and all meetings of committees of the council shall be
4 held pursuant to KRS 61.805 to 61.850.

5 (9) A majority of the members of the consolidated local government council shall
6 constitute a quorum, but a smaller number may adjourn from day to day. The
7 consolidated local government council may enforce the attendance of members by
8 rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the
9 entire membership of the council may call a special meeting at any time. Meetings
10 shall be held in such places in the county as are provided by ordinance, and the
11 place of meetings shall not be changed except by an ordinance for which two-thirds
12 (2/3) of the members of the consolidated local government council have voted.

13 (10) The council shall determine its own rules and order of business, and keep and
14 provide a public record of its proceedings. The council shall provide for the
15 publication of all ordinances in a composite code of ordinances.

16 (11) Council ordinances that prescribe penalties for their violation shall be enforced
17 through the entire area of the consolidated local government unless:

18 (a) Otherwise provided by statute; or

19 (b) The legislative body of any city within the consolidated local government area
20 has adopted an ordinance pertaining to the same subject matter that is the
21 same as or more stringent than the standards set forth in the consolidated local
22 government's ordinance.

23 (12) In the case of a vacancy on the consolidated local government council by reason of
24 death, resignation, or removal, the council by majority vote of the membership of
25 the council shall elect a qualified resident of the council district not later than thirty
26 (30) days after the date the vacancy occurs. Should the council fail to elect, by
27 majority vote of the membership of the council, a qualified person to fill the

1 vacancy within thirty (30) days, the mayor of the consolidated local government
2 shall fill the vacancy by appointment of a qualified person for the unexpired term.

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

6 (a) Enact ordinances, orders, and resolutions, and override a veto of the mayor by
7 a two-thirds (2/3) majority of the membership of the legislative council;

8 (b) Review the budgets of and appropriate money to the consolidated local
9 government;

10 (c) Adopt a budget ordinance;

11 (d) Levy taxes, subject to the limitations of the Constitution and the laws of the
12 Commonwealth of Kentucky;

13 (e) Establish standing and temporary committees; and

14 (f) Make independent audits and investigations concerning the affairs of the
15 consolidated local government and any board or commission that:

16 1. Is composed of members who are appointed by the mayor and approved
17 by the legislative council; or

18 2. Has a budget that is equal to or greater than one million dollars
19 (\$1,000,000.00), except that this subparagraph shall not apply to any fee
20 officer elected within the consolidated local government.

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

23 1. Composed of members from each of the two (2) largest political
24 caucuses in the legislative council;

25 2. Appointed by the chairs of their respective caucuses; and

26 3. Composed on the basis of the proportion of each of the two (2) caucuses'
27 total membership as compared to the total membership of the legislative

1 council. Any fractional proportions shall be rounded in the favor of the
2 smallest caucus' membership on the committee.

3 (b) The committee shall have the power to:

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

27 (c) The legislative council of the consolidated local government shall adopt by

1 resolution any process or procedures deemed necessary for the administration
2 of subpoenas and oaths.

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

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

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

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

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

21 (2) (a) The mayor shall be nominated in a nonpartisan primary and elected in a
22 nonpartisan election as provided under Section 3 of this Act~~[partisan~~
23 ~~elections]~~ for a term of four (4) years in the same election years as other local
24 government officials as regulated by the regular election laws of the
25 Commonwealth.

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

- 1 (c) The mayor may serve for no more than three (3) consecutive terms, after
2 which time he or she shall be prohibited from running for election or being
3 appointed as mayor for a period of at least four (4) years.
- 4 (3) The mayor shall be at least twenty-one (21) years old, a qualified voter, ~~[a member~~
5 ~~of his or her political party,~~] and a resident of the territory encompassing the
6 consolidated local government for a period of at least one (1) year prior to his or her
7 election as mayor. The mayor shall continue to reside within the geographic
8 boundary of the consolidated local government throughout his or her term of office.
- 9 (4) Except as otherwise provided in KRS 67C.101 to 67C.137, the mayor shall have all
10 the power and authority that the mayor of the city of the first class and the county
11 judge/executive exercised under the Constitution and the general laws of the
12 Commonwealth of Kentucky prior to the consolidation.
- 13 (5) The mayor is authorized to supervise, administer, and control all departments and
14 agencies as may be created by KRS 67C.101 to 67C.137 or created by ordinance.
15 The mayor shall appoint all department and agency directors. The appointees shall
16 serve at the pleasure of the mayor. Specifically, the mayor shall:
- 17 (a) Prepare and submit an annual report coinciding with the fiscal year, on the
18 state of the consolidated local government, to be presented at a public meeting
19 of the council;
- 20 (b) Submit an annual budget no fewer than sixty (60) days prior to the end of the
21 fiscal year;
- 22 (c) Oversee the administration and implementation of the adopted budget
23 ordinance;
- 24 (d) Enforce the ordinances of the consolidated local government;
- 25 (e) Supervise all officers, agents, employees, cabinets, departments, offices,
26 agencies, functions, and duties of the consolidated local government;
- 27 (f) Call special meetings of the consolidated local government council;

- 1 (g) Appoint and remove his or her own staff at his or her own pleasure;
- 2 (h) Execute written contracts, subscriptions, agreements, or obligations of the
3 consolidated local government;
- 4 (i) Approve or veto ordinances and resolutions adopted by the consolidated local
5 government council;
- 6 (j) Submit any written contracts, subscriptions, agreements, or obligations
7 exceeding the small purchase amount established pursuant to KRS 45A.385 in
8 a resolution to the legislative council for its approval or its disapproval. Those
9 written contracts, subscriptions, agreements, or obligations awarded to the
10 lowest evaluated bid or proposal pursuant to KRS 45A.343 to 45A.460 shall
11 be excluded, unless the legislative council changes the threshold for
12 submission of a resolution. The legislative council may, by ordinance, set
13 threshold amounts other than those established by KRS 45A.385 for the small
14 purchases for submission of a resolution for its approval or disapproval; and
- 15 (k) Appoint a deputy mayor within seven (7) days of the mayor taking the oath of
16 office and keep the office of deputy mayor filled throughout the mayor's term.
17 The deputy mayor shall:
- 18 1. Meet all the qualifications for mayor established pursuant to subsection
19 (3) of this section;
- 20 2. Serve at the mayor's pleasure and may be replaced by the mayor for any
21 cause; and
- 22 3. Have only the duties assigned to him or her by the mayor.
- 23 (6) (a) If the office of mayor becomes vacant by reason of death, resignation, or
24 removal:
- 25 1. The deputy mayor shall become the temporary mayor, inheriting all
26 powers and duties of the mayor;
- 27 2. The deputy mayor shall serve as temporary mayor for no more than

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

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

13 (b) If the offices of both the mayor and deputy mayor become vacant by reason of
14 death, resignation, or removal:

15 1. The presiding officer of the consolidated local government council shall
16 become the temporary mayor, inheriting all powers and duties of the
17 mayor;

18 2. The presiding officer shall serve as temporary mayor for no more than
19 thirty (30) days until the council shall, by a majority vote of the
20 members of the council, elect a resident of the consolidated local
21 government who meets the qualifications for mayor established pursuant
22 to subsection (3) of this section. The council may select the temporary
23 mayor for this position. If the legislative council fails to elect a person to
24 fill the vacancy within thirty (30) days after the vacancy occurs, the
25 Governor shall fill the vacancy in the office by appointment of a
26 qualified person who is a resident of the consolidated local government
27 and meets the qualifications for mayor established pursuant to

1 subsection (3) of this section; and

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

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

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

10 *(1) No council member or mayor of a consolidated local government shall be elected*
11 *to office without being nominated in the manner provided in this section at a*
12 *nonpartisan primary to be held at the time prescribed by KRS Chapter 118,*
13 *unless otherwise provided in this chapter. Nonpartisan primaries shall be*
14 *conducted by the same officers, chosen and acting in the same manner, with the*
15 *same rights and duties as in regular elections.*

16 *(2) (a) Each candidate for nomination shall, not earlier than the first Wednesday*
17 *after the first Monday in November of the year preceding the year in which*
18 *the office will appear on the ballot and not later than the last date*
19 *prescribed by the election law generally for filing notification and*
20 *declaration forms with the county clerk as provided in KRS 118.165, file a*
21 *petition of nomination, which shall be in the form prescribed by the State*
22 *Board of Elections in administrative regulations promulgated under KRS*
23 *Chapter 13A.*

24 *(b) For those candidates seeking nomination for the office of council member,*
25 *the petition for nomination shall be signed by the candidate and at least two*
26 *(2) registered voters of the district from which he or she seeks nomination.*
27 *For those candidates seeking nomination for the office of mayor, the*

- 1 petition for nomination shall be signed by the candidate and at least two (2)
2 registered voters of the county containing the consolidated local
3 government.
- 4 (3) The county clerk shall examine the petition of each candidate to determine
5 whether it is regular on its face. If there is an error, the county clerk shall notify
6 the candidate by certified mail within twenty-four (24) hours of filing.
- 7 (4) Immediately upon expiration of the time for filing petitions, the county clerk shall
8 have published in accordance with KRS Chapter 424 the names of the candidates
9 as they will appear before the voters at the primary.
- 10 (5) Subsection (4) of this section shall not apply if it appears, immediately upon
11 expiration of the time for filing petitions, that there are not more than two (2)
12 candidates for nomination for each office to be filled.
- 13 (6) The ballot position of a candidate shall not be changed after the ballot position
14 has been designated by the county clerk.
- 15 (7) If, before the time of certification of candidates who will appear on the ballot, any
16 candidate whose petition has been filed in the office of the county clerk dies or
17 notifies the clerk in writing, signed and properly notarized, that he or she will not
18 accept the nomination, the clerk shall not cause the candidate's name to be
19 printed on the ballot.
- 20 (8) If, after the certification of candidates who will appear on the ballot, any
21 candidate whose name appears thereon shall withdraw pursuant to KRS 118.212
22 or die:
- 23 (a) Neither the precinct election officers nor the county board of elections shall
24 tabulate or record the votes cast for the candidate;
- 25 (b) The county clerk shall provide notices to the precinct election officers who
26 shall see that a notice is conspicuously displayed at the polling place
27 advising voters of the change, and that votes for the candidate shall not be

1 tabulated or recorded. If the county clerk learns of the death or withdrawal
2 at least five (5) days prior to the election and provides the notices required
3 by this subsection and the precinct officers fail to post the notices at the
4 polling place, the officers shall be guilty of a violation; and

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

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

19 (10) Persons qualified to vote at a regular election shall be qualified to vote at a
20 nonpartisan primary and the law applicable to challenges made at a regular
21 election shall be applicable to challenges made at a nonpartisan primary.

22 (11) Votes shall be counted as provided in general election laws, under KRS Chapters
23 118 and 120, and the result shall be published as provided in KRS Chapter 424.

24 (12) The two (2) candidates receiving the highest number of votes for nomination for
25 each office shall be nominated. If two (2) or more candidates are found to have
26 received the highest and an equal number of votes for the same office, the
27 nomination shall be determined by lot in the manner the State Board of Elections

1 directs, in the presence of not less than three (3) persons.

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

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

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

13 (16) KRS Chapters 117, 118, 119, 120, and 121 prescribing duties of county clerks and
14 other public officers in the conduct of elections shall be applicable in all respects
15 to nonpartisan consolidated local government elections, except no election officer
16 or other person within a polling place shall tell or indicate to a voter, by word of
17 mouth or otherwise, the political affiliation of any candidate for office.

18 ➔Section 4. KRS 83A.045 is amended to read as follows:

19 (1) ~~{Except as provided in KRS 83A.047, partisan elections of city officers shall be~~
20 ~~governed by the following provisions, regardless of the form of government or~~
21 ~~classification of the city:~~

22 ~~(a) A candidate for party nomination to city office shall file his or her nomination~~
23 ~~papers with the county clerk of the county not earlier than the first Wednesday after~~
24 ~~the first Monday in November of the year preceding the year in which the office~~
25 ~~will appear on the ballot and not later than the first Friday following the first~~
26 ~~Monday in January before the day fixed by KRS Chapter 118 for holding a primary~~
27 ~~for the office sought. Signatures for nomination papers shall not be affixed on the~~

1 document to be filed prior to the first Wednesday after the first Monday in
2 November of the year preceding the year in which the office will appear on the
3 ballot. All nomination papers shall be filed no later than 4 p.m. local time when
4 filed on the last day on which the papers are permitted to be filed;

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

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

22 ~~(2) Except as provided in KRS 83A.047, nonpartisan]Elections of all city officers,~~
23 ~~including mayors and members of any city legislative body, shall be nonpartisan~~
24 ~~and shall be governed by KRS [83A.050,] 83A.170, 83A.175, the general election~~
25 ~~laws as provided in KRS Chapters 116 to 121, and the following provisions,~~
26 regardless of the form of government or classification of the city:

27 (a) A candidate for city office shall file his or her nomination papers with the

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

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

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

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

- 1 3. If a city does not conduct a primary pursuant to this subsection, the
2 election of candidates to city office shall be governed by the provisions
3 of this subsection, KRS 83A.175(2) to (6), and KRS Chapters 116 to
4 121;
- 5 4. In the absence of a primary pursuant to this subsection, the number of
6 candidates equal to the number of city offices to be filled who receive
7 the highest number of votes cast in the regular election for each city
8 office shall be elected;
- 9 5. Candidates shall be subject to all other applicable election laws pursuant
10 to this chapter and KRS Chapters 116 to 121;
- 11 6. If a vacancy occurs in a candidacy for city office in any city which has
12 not held a primary pursuant to this subsection after the expiration of
13 time for filing nomination papers, or if there are fewer candidates than
14 there are offices to be filled, the vacancy in candidacy shall be filled by
15 write-in voting; and
- 16 7. At the regular election, the voters shall be instructed to vote for one (1)
17 candidate, except when there is more than one (1) candidate for which
18 voters may vote, the instruction "vote for up to candidates" shall be
19 used on the ballot; and
- 20 (c) A candidate for city office who is defeated in a nonpartisan primary shall be
21 ineligible as a candidate for the same office in the regular election.
- 22 ➔Section 5. KRS 83A.165 is amended to read as follows:
- 23 (1) A candidate running to fill the unexpired term of any city office shall file his or her
24 nomination papers in accordance with the provisions of KRS 83A.045, 118.365,
25 118.375, and 83A.047.
- 26 (2) Vacancies in the office of mayor or city legislative body that are to be filled
27 temporarily by appointment shall be governed by the provisions of KRS 83A.040

1 and Section 152 of the Kentucky Constitution.

2 (3) ~~[Vacancies in the office of mayor or city legislative body that are to be filled by~~
3 ~~partisan election shall be governed by the following provisions:~~

4 ~~(a) Vacancies in candidacy shall be governed by KRS 118.105;~~

5 ~~(b) Nominations for unexpired terms shall be governed by KRS 118.115 and~~
6 ~~Section 152 of the Kentucky Constitution; and~~

7 ~~(c) Independent candidates filing to fill a vacancy shall be governed by KRS~~
8 ~~118.375.~~

9 (4) ~~]~~Vacancies in the office of mayor or city legislative body that are to be filled by
10 nonpartisan election shall be governed by the following provisions:

11 (a) If the vacancy occurs not less than one hundred sixty (160) days before a May
12 primary, candidates to fill the vacancy shall be nominated at that primary in
13 the manner prescribed in KRS 83A.170;

14 (b) If the vacancy occurs on or after the one hundred sixtieth day before a May
15 primary or at any time before the time prescribed in KRS 118.365 for filing
16 petitions of nomination, the election to fill the unexpired term shall be held
17 without a primary in the manner prescribed in Section 152 of the Kentucky
18 Constitution. Petitions of nomination for candidates to fill the vacancy shall
19 be filed at the time and place prescribed in KRS 118.365;

20 (c) If the vacancy occurs after the time prescribed in KRS 118.365 for filing
21 petitions of nomination, but not less than three (3) months before the regular
22 election, petitions of nomination for candidates to fill the vacancy shall be
23 filed not later than the second Tuesday in August preceding the regular
24 election for the office sought; and

25 (d) Vacancies in candidacy in any city that has eliminated the nonpartisan primary
26 election pursuant to KRS 83A.045 shall be governed by the provisions of
27 subsection (1)(b)6. of Section 4 of this Act~~[KRS 83A.045(2)(b)6].~~

1 ➔Section 6. KRS 83A.170 is amended to read as follows:

- 2 (1) ~~[In any city which has under the provisions of KRS 83A.045 or 83A.050 required~~
3 ~~nonpartisan city elections,]~~No person shall be elected to city office except as
4 provided in this section or as otherwise provided in this chapter relating to
5 nonpartisan elections.
- 6 (2) No person shall be elected to city office without being nominated in the manner
7 provided in this section at a nonpartisan primary to be held at the time prescribed by
8 KRS **Chapter 118**~~[Chapters 116 to 121]~~, except as otherwise provided in this
9 chapter. Nonpartisan primaries shall be conducted by the same officers, chosen and
10 acting in the same manner, with the same rights and duties as in regular elections.
- 11 (3) Each applicant for nomination shall, not earlier than the first Wednesday after the
12 first Monday in November of the year preceding the year in which the office will
13 appear on the ballot and not later than the last date prescribed by the election law
14 generally for filing notification and declaration forms with the county clerk as
15 provided in KRS **83A.045 and** 83A.047, file a petition of nomination, which shall
16 be in the form prescribed by the State Board of Elections **in administrative**
17 **regulations promulgated under KRS Chapter 13A, and** signed by at least two (2)
18 registered voters in the city. Each voter may sign individual petitions equal to the
19 number of offices to be filled. If a voter signs petitions for more candidates than he
20 or she is authorized, he or she shall be counted as a petitioner for the candidate
21 whose petition is filed first.
- 22 (4) The county clerk shall examine the petition of each candidate to determine whether
23 it is regular on its face. If there is an error, the county clerk shall notify the
24 candidate by certified mail within twenty-four (24) hours of filing.
- 25 (5) Immediately upon expiration of the time for filing petitions, the county clerk shall
26 have published in accordance with KRS Chapter 424 the names of the applicants as
27 they will appear before the voters at the primary.

- 1 (6) Subsection (5) of this section shall not apply if it appears, immediately upon
2 expiration of the time for filing petitions, that there are not more than two (2)
3 applicants for nomination for each city office to be filled, or, when the nominations
4 are for city legislative body members in cities electing legislative body members at
5 large, and there are no more than twice the number of applicants for nomination for
6 the number of offices to be filled. In that case, the applicants for nomination shall
7 thereby be nominated and neither a~~no~~ drawing for ballot position nor a primary~~f~~
8 ~~election~~ shall be held for that office.
- 9 (7) The ballot position of a candidate shall not be changed after the ballot position has
10 been designated by the county clerk.
- 11 (8) If, before the time of certification of candidates who will appear on the ballot, any
12 candidate whose petition has been filed in the office of the county clerk dies or
13 notifies the clerk in writing, signed and properly notarized, that he or she will not
14 accept the nomination, the clerk shall not cause the candidate's name to be printed
15 on the ballot.
- 16 (9) If, after the certification of candidates who will appear on the ballot, any candidate
17 whose name appears thereon shall withdraw pursuant to KRS 118.212 or die:
- 18 (a) Neither the precinct election officers nor the county board of elections shall
19 tabulate or record the votes cast for the candidate;
- 20 (b) The county clerk shall provide notices to the precinct election officers who
21 shall see that a notice is conspicuously displayed at the polling place advising
22 voters of the change, and that votes for the candidate shall not be tabulated or
23 recorded. If the county clerk learns of the death or withdrawal at least five (5)
24 days prior to the election and provides the notices required by this subsection
25 and the precinct officers fail to post the notices at the polling place, the
26 officers shall be guilty of a violation; and
- 27 (c) In a primary, if there are only one (1) or two (2) remaining candidates on the

1 ballot for that office, following the withdrawal or death of the other candidate
2 or candidates, neither the precinct election officers nor the county board of
3 elections shall tabulate or record the votes for the remaining candidate or
4 candidates, and the officer with whom the remaining candidate or candidates
5 has filed his or her nomination papers shall immediately issue and file in his
6 or her office a certificate of nomination for that remaining candidate or
7 candidates and send a copy to the remaining candidate or candidates.

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

14 (11) Persons qualified to vote at a regular election shall be qualified to vote at a
15 nonpartisan primary and the law applicable to challenges made at a regular election
16 shall be applicable to challenges made at a nonpartisan primary.

17 (12) Votes shall be counted as provided in general election laws, pursuant to KRS
18 Chapters 116 to 121, and the result shall be published as provided in KRS Chapter
19 424.

20 (13) The two (2) applicants receiving the highest number of votes for nomination for
21 each city office shall be nominated; or where the nominations are for city legislative
22 body members in cities electing legislative body members at large, there shall be
23 nominated the number of applicants receiving the highest number of votes equal to
24 twice the number of offices to be filled. If two (2) candidates are tied for the second
25 highest number of votes in a mayoral election, the names of those two (2)
26 candidates, plus the name of the candidate receiving the highest number of votes,
27 shall be placed upon the ballot.

1 (14) At the regular election following a nonpartisan primary, the names of the successful
2 nominees and candidates who have filed a petition of candidacy as provided in this
3 chapter to fill a vacancy shall be placed before the voters.

4 (15) The nominee or candidate receiving the greater number of votes cast for each city
5 office shall be elected.

6 (16) KRS Chapters 116 to 121 prescribing duties of county clerks and other public
7 officers in the conduct of elections shall be applicable in all respects to nonpartisan
8 city elections, except no election officer or other person within a polling place shall
9 tell or indicate to a voter, by word of mouth or otherwise, the political affiliation of
10 any candidate for city office.

11 ➔Section 7. KRS 83A.175 is amended to read as follows:

12 (1) The election to fill the regular term of a nonpartisan city office shall be conducted in
13 the manner prescribed in KRS 83A.165 when, in a regular election for nonpartisan
14 city office no candidates nominated to an office as provided in KRS 83A.170 are
15 available due to death, incapacity, or withdrawal, or when city legislative body
16 members are to be elected at large and there are fewer nominees than there are
17 offices to be filled, or when a city has eliminated the primary pursuant to KRS
18 83A.045.

19 (2) Each candidate shall, not earlier than the first Wednesday after the first Monday in
20 November of the year before the year in which the office will appear on the ballot
21 and not later than the last date prescribed by the election law generally for filing
22 petitions of nomination with the county clerk as provided in KRS 83A.045 and
23 83A.047, file a petition for candidacy. The petition shall be on a form prescribed
24 and furnished by the State Board of Elections in administrative regulations
25 promulgated under KRS Chapter 13A, and shall be signed by at least two (2)
26 registered voters in the city. Each voter may sign individual petitions equal to the
27 number of offices to be filled. If a voter signs petitions for more candidates than he

1 or she is authorized, he or she shall be counted as a petitioner for the candidate
2 whose petition is filed first.

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

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

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

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

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

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

23 (c) If there is only one (1) remaining candidate on the ballot for that office in a
24 primary, following the withdrawal or death of the other candidate or
25 candidates, neither the precinct election officers nor the county board of
26 elections shall tabulate or record the votes for the remaining candidate, and
27 the officer with whom the remaining candidate has filed his or her nomination

1 papers shall immediately issue and file in his or her office a certificate of
2 nomination for that remaining candidate and send a copy to the remaining
3 candidate.

4 ➔Section 8. KRS 118.367 is amended to read as follows:

5 (1) An independent, or political organization, or political group candidate required to
6 file nomination papers pursuant to KRS 118.365(5) shall be required to file a
7 statement-of-candidacy form with the same office at which nomination papers are
8 filed. Candidates for federal office and candidates for mayor or legislative body in
9 cities of the home rule class~~[participating in partisan elections]~~ shall not be
10 required to file a statement-of-candidacy form. The statement-of-candidacy form
11 shall be filed not earlier than the first Wednesday after the first Monday in
12 November of the year preceding the year in which the office will appear on the
13 ballot and not later than the last Tuesday in January preceding the day fixed by law
14 for holding of regular elections for the offices sought. The statement-of-candidacy
15 form shall be filed no later than 4 p.m. local time when filed on the last day on
16 which papers are permitted to be filed. No person shall file a statement-of-
17 candidacy form for more than one (1) public office during an election cycle.

18 (2) The statement-of-candidacy form shall be prescribed by the State Board of
19 Elections. The statement-of-candidacy form shall be signed by the candidate upon
20 filing. No charge shall be assessed for the filing of a statement-of-candidacy form.
21 The Secretary of State and county clerks shall examine the statement-of-candidacy
22 form of each candidate who files the form to determine if there is an error. If an
23 error has occurred, the candidate shall be notified by certified mail within twenty-
24 four (24) hours.

25 ➔Section 9. KRS 83A.040 is amended to read as follows:

26 (1) A mayor shall be elected by the voters of each city at a regular election. A candidate
27 for mayor shall be a resident of the city for not less than one (1) year prior to his or

1 her election. His term of office shall begin on the first day of January following his
2 election and shall be for four (4) years and until his successor qualifies. If a person
3 is elected or appointed as mayor in response to a vacancy and serves less than four
4 (4) calendar years, then that period of service shall not be considered for purposes
5 of re-election a term of office. A mayor shall be at least twenty-one (21) years of
6 age, shall be a qualified voter in the city, and shall reside in the city throughout his
7 term of office.

8 (2) If a vacancy occurs in the office of mayor, the following provisions shall apply:

9 (a) The legislative body of the city shall fill the vacancy within thirty (30) days.

10 (b) A member of the legislative body in any city organized and governed under
11 the commission plan as provided by KRS 83A.140 or city manager plan as
12 provided by KRS 83A.150 may vote for himself.

13 (c) A member of the legislative body in any city organized and governed under
14 the mayor-council plan as provided by KRS 83A.130 and in any city of the
15 first class organized under the mayor-alderman plan as provided by KRS
16 Chapter 83 shall not vote for himself.

17 (d) The legislative body shall elect from among its members an individual to
18 preside over meetings of the legislative body during any vacancy in the office
19 of mayor in accordance with the provisions of KRS 83A.130 to 83A.150.

20 (3) When voting to fill the vacancy created by a resignation of a mayor the resigning
21 mayor shall not vote on his successor.

22 (4) Each legislative body member shall be elected at large by the voters of each city at a
23 regular election. A candidate for a legislative body shall be a resident of the city for
24 not less than one (1) year prior to his or her election. His term of office shall begin
25 on the first day of January following his election and shall be for two (2) years~~;~~
26 ~~except as provided by KRS 83A.050~~. A member shall be at least eighteen (18)
27 years of age, shall be a qualified voter in the city, and shall reside in the city

- 1 throughout his term of office.
- 2 (5) If one (1) or more vacancies on a legislative body occur in a way that one (1) or
3 more members remain seated, the remaining members shall within thirty (30) days
4 fill the vacancies one (1) at a time, giving each new appointee reasonable notice of
5 his selection as will enable him to meet and act with the remaining members in
6 making further appointments until all vacancies are filled. If vacancies occur in a
7 way that all seats become vacant, the Governor shall appoint qualified persons to
8 fill the vacancies sufficient to constitute a quorum. Remaining vacancies shall be
9 filled as provided in this section.
- 10 (6) If for any reason, any vacancy in the office of mayor or the legislative body is not
11 filled within thirty (30) days after it occurs, the Governor shall promptly fill the
12 vacancy by appointment of a qualified person who shall serve for the same period as
13 if otherwise appointed.
- 14 (7) No vacancy by reason of voluntary resignation in the office of mayor or on a
15 legislative body shall occur unless a written resignation which specifies a
16 resignation date is tendered to the legislative body. The resignation shall be
17 effective at the next regular or special meeting of the city legislative body occurring
18 after the date specified in the written letter of resignation.
- 19 (8) Pursuant to KRS 118.305(7), if a vacancy occurs which is required by law to be
20 filled temporarily by appointment, the legislative body or the Governor, whichever
21 is designated to make the appointment, shall immediately notify in writing both the
22 county clerk and the Secretary of State of the vacancy.
- 23 (9) Except in cities of the first class, any elected officer, in case of misconduct,
24 incapacity, or willful neglect in the performance of the duties of his office, may be
25 removed from office by a unanimous vote of the members of the legislative body
26 exclusive of any member to be removed, who shall not vote in the deliberation of
27 his removal. No elected officer shall be removed without having been given the

1 right to a full public hearing. The officer, if removed, shall have the right to appeal
2 to the Circuit Court of the county and the appeal shall be on the record. No officer
3 so removed shall be eligible to fill the office vacated before the expiration of the
4 term to which originally elected.

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

7 ➔Section 10. KRS 118.225 is amended to read as follows:

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

20 (2) For all other offices for which nomination papers and petitions are filed with the
21 Secretary of State, the order of names of candidates for each office shall be
22 determined by lot at a public drawing to be held in the office of the Secretary of
23 State at 2 p.m., standard time, on the Thursday following the filing deadline for the
24 primary as established in KRS 83A.045, 118.165, and 118A.060 or the Thursday
25 following the first Tuesday after the first Monday in June preceding the regular
26 election.

27 (3) For all offices for which nomination papers and petitions are filed in the office of

1 the county clerk, the order in which the names of candidates for each office are to
2 be printed on the ballot shall be determined by lot at a public drawing in the office
3 of the county clerk at 2 p.m., standard time, on the Thursday following the filing
4 deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060 or
5 the Thursday following the first Tuesday after the first Monday in June preceding
6 the regular election.

7 (4) For all offices for which the deadline for filing nomination papers and petitions is
8 governed by KRS 83A.165~~(3)~~~~(4)~~(c) or 118.375(2), the order in which the names
9 of candidates for each office are to be printed shall be determined by lot at a public
10 drawing in the office at the place of filing at 2 p.m., standard time, on the Thursday
11 following the second Tuesday in August preceding the regular election.

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

16 ➔Section 11. The provisions of this Act shall become effective November 4,
17 2020.

18 ➔Section 12. The following KRS section is repealed:

19 83A.050 General election laws to govern election of city officers unless changed by
20 ordinance.