

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 117.125 is amended to read as follows:

4 No make of voting machine shall be approved for use unless it is so constructed that:

- 5 (1) It will insure secrecy to the voter in the act of voting.
- 6 (2) It provides facilities that will permit votes to be cast for any candidate entitled to  
7 have his ***or her*** name printed upon the ballots at any ***primary***, regular ***election***, ***or***  
8 special~~[or primary]~~ election, and for or against any public question entitled to be  
9 placed upon the ballots.
- 10 (3) It will, except at ***primaries***~~[primary elections]~~, permit a voter to vote for all the  
11 candidates of one (1) party or for one (1) or more candidates of every party having  
12 candidates entitled to be voted for, or for one (1) or more independent candidates.
- 13 (4) It will permit a voter to vote for as many persons for an office as ***the voter***~~[he]~~ is  
14 lawfully entitled to vote for, and no more.
- 15 (5) It will prevent a voter from voting for the same person, or for or against the same  
16 question, more than once.
- 17 (6) It will permit a voter to vote for or against any question ***the voter***~~[he]~~ may have the  
18 right to vote on, but no other.
- 19 (7) It may be adjusted for use in ***primaries***~~[primary elections]~~ so that a voter may not  
20 vote for any person except those seeking nomination as candidates of ***the***  
21 ***voter's***~~[his]~~ party~~[or as candidates for an office of the Court of Justice]~~.
- 22 (8) It will correctly register and accurately count all votes cast for each person, and for  
23 or against each public question.
- 24 (9) It can be determined whether the machine has been unlocked and operated after  
25 once being locked.
- 26 (10) It will show at all times during an election how many persons have voted by a  
27 device hereinafter referred to as a public counter.

- 1 (11) The counter indicating the number of votes cast for each person and for or against  
2 each public question cannot be seen or tampered with without unlocking a covering  
3 device that cannot be unlocked by a key that unlocks any other part of the machine.  
4 When such counters are so exposed the machine can no longer be placed into  
5 condition for operation without the use of a special key, which key shall not have  
6 been in the possession of the election officers at the polling places; but if this  
7 requirement has the effect of eliminating from consideration any other make of  
8 machine such requirement shall not apply.
- 9 (12) The operating device and operating mechanism may be locked before the time for  
10 opening the polls and after the time for closing the polls.
- 11 (13) It is accompanied by a mechanical model illustrating the manner of voting on the  
12 machine, suitable for the instruction of voters.
- 13 (14) It will permit a voter to vote for all the candidates for presidential electors of any  
14 party by one (1) operation.
- 15 (15) It will permit a voter to vote, in any regular or special election, for any person  
16 desired to be voted for whose name does not appear upon the voting machine.
- 17 (16) It bears a number that will distinguish it from any other machine.
- 18 (17) The frames in which ballot labels are placed shall be constructed with transparent  
19 protective devices, in order that the names thereon cannot be mutilated or altered.
- 20 ➔Section 2. KRS 117.315 is amended to read as follows:
- 21 (1) Each political party is entitled to have not exceeding two (2) challengers at each  
22 precinct during the holding of the primary~~[election]~~. Any group of bona fide  
23 candidates, as defined in KRS 118.176, of the same political party equal to twenty-  
24 five percent (25%) of all the candidates for that party to be voted for in a county in  
25 any primary, including state, district, and all other candidates, may recommend to  
26 the county committee or governing authority of the party for the county a list of  
27 persons whom they desire to have appointed as challengers in each precinct in the

1 county. If more than two (2) such lists are furnished, the committee or governing  
2 authority, in making appointments of challengers, shall alternate between the  
3 several lists so furnished so as to give to each list an equal amount or proportion of  
4 the appointments, but in no event shall there be appointed more than one (1)  
5 challenger for any precinct from any one (1) list. The list of challengers shall be  
6 presented to the chair or secretary of the party committee of the county on or before  
7 the third Friday in April preceding the primary, and the committee or the chairman  
8 thereof shall make the appointments, certify to same, and present a list of certified  
9 challengers to the county clerk at least twenty (20) days before the date on which  
10 the primary is held. The appointment of challengers shall be certified in all respects  
11 as challengers at regular elections, except as otherwise provided in this section. The  
12 challengers shall be registered voters of the county in which the primary is held and  
13 shall be subject to the same penalties and possess the same rights and privileges as  
14 challengers at regular elections, except that the challengers of one political party  
15 shall not be entitled to challenge persons who offer to vote for candidates of any  
16 other party in the primary. The provisions of this section shall be enforceable  
17 against the chair of the political party committees by a mandatory summary  
18 proceeding instituted in the Circuit Court. The order of the court may be reviewed  
19 by the Court of Appeals as provided for the granting or dissolving of temporary  
20 injunctions.

21 (2) Any school board candidate, any independent ticket or candidate for city office, or  
22 any nonpartisan city candidate~~[-or candidate for an office of the Court of Justice]~~ at  
23 the primary or regular election may designate not more than one (1) challenger to be  
24 present at and witness the holding of primaries or elections in each precinct in the  
25 county. A candidate who designates a challenger shall present the county clerk with  
26 the name of the challenger at least twenty (20) days preceding the primary or regular  
27 election. The challenger shall be entitled to stay in the room or at the door. The

1 challenger shall be a registered voter of the county in which the primary or election  
2 is held, shall be appointed in writing by the chair of the committee, independent  
3 candidate, or candidates representing a ticket, and shall produce written  
4 appointment on demand of any election officer.

5 (3) The county executive committee of any political party having a ticket to elect at any  
6 regular or special election may designate not more than two (2) challengers to be  
7 present at and witness the holding of the election in each precinct in the county. The  
8 challengers shall be entitled to stay in the room or at the door. The challengers shall  
9 be registered voters of the county in which the election is held, shall be appointed in  
10 writing signed by the chair of the committee, and shall produce written  
11 appointments on demand of any election officer. The committee or chair shall  
12 present the county clerk with a list of designated challengers at least twenty (20)  
13 days preceding a regular election and at least fifteen (15) days preceding a special  
14 election.

15 (4) Except as provided in KRS Chapter 242, not later than the fourth Tuesday  
16 preceding an election at which constitutional amendments or other public questions  
17 are to be submitted to the vote of the people, any committee that in good faith  
18 advocates or opposes an amendment or public question may file a petition with the  
19 clerk of the county asking that the petitioners be recognized as the committee  
20 entitled to nominate challengers to serve at the election at which the constitutional  
21 amendment or public question is to be voted on. If more than one (1) committee  
22 alleging itself to advocate or oppose the same amendment file such a petition, the  
23 county board of elections shall decide, and announce by certified mail, return  
24 receipt requested, to each committee not less than the third Tuesday preceding the  
25 election, which committee is entitled to nominate the challengers. The decision  
26 shall not be final, but any aggrieved party may institute proceedings with the county  
27 judge/executive and, upon hearing, the county judge/executive shall determine

1 which of the committees shall be recognized as the one to select challengers at the  
2 election.

3 (5) The committee shall file the names of the persons nominated by it with the clerk of  
4 the county at least twenty (20) days before the primary and regular elections and not  
5 less that fifteen (15) days preceding the date of a special election. The county board  
6 of elections shall, not later than the Thursday preceding the election, certify the  
7 nominees of the committee for the respective precincts to serve as challengers at the  
8 election where any constitutional amendment or public question is to be voted upon.  
9 If more than one (1) amendment or question is to be voted upon, the county board  
10 of elections may designate, on the petition of the committee, one (1) person for each  
11 amendment and question to serve as challenger at the election.

12 (6) The challengers shall perform their duties in the same manner and be subject to the  
13 same privileges as other challengers at an election.

14 ➔Section 3. KRS 118.165 is amended to read as follows:

15 (1) Except as *otherwise* provided in *this chapter* ~~[KRS Chapters 116 to 121]~~, candidates  
16 for offices to be voted for by the electors of one (1) county or of a district less than  
17 one (1) county, except members of Congress, ~~[and]~~ members of the General  
18 Assembly, ***and candidates for an office of the Court of Justice,*** shall file their  
19 nomination papers with the county clerk of the county not earlier than the first  
20 Wednesday after the first Monday in November of the year preceding the year the  
21 office will appear on the ballot and not later than the first Friday following the first  
22 Monday in January preceding the day fixed by law for holding the primary.

23 (2) Candidates for offices to be voted for by the electors of more than one (1) county, ~~[~~  
24 ~~and]~~ for members of Congress, ~~[and]~~ members of the General Assembly, ***and***  
25 ***candidates for an office of the Court of Justice,*** shall file their nomination papers  
26 with the Secretary of State not earlier than the first Wednesday after the first  
27 Monday in November of the year preceding the year the office will appear on the

1 ballot and not later than the first Friday following the first Monday in January  
 2 preceding the day fixed by law for holding the primary. Signatures for nomination  
 3 papers shall not be affixed on the document to be filed prior to the first Wednesday  
 4 after the first Monday in November of the year preceding the year in which the  
 5 office will appear on the ballot. All nomination papers shall be filed no later than 4  
 6 p.m. local time at the place of filing when filed on the last date on which the papers  
 7 may be filed.

8 (3) The Secretary of State or the county clerk shall examine the notification and  
 9 declaration form of each candidate to determine whether it is regular on its face. If  
 10 there is an error, the proper officer shall notify the candidate by certified mail within  
 11 twenty-four (24) hours of filing.

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

16 ➔Section 4. KRS 118A.060 is amended to read as follows:

17 (1) ~~[Except as provided in KRS 118A.100, ]~~No person's name shall appear on any[a]  
 18 ballot ~~[label or absentee ballot ]~~for an office of the Court of Justice without first  
 19 having been nominated as provided in *KRS Chapter 118*~~[this section.~~

20 ~~(2) Each candidate for nomination shall file a petition for nomination with the Secretary~~  
 21 ~~of State not earlier than the first Wednesday after the first Monday in November of~~  
 22 ~~the year preceding the year in which the office will appear on the ballot and not later~~  
 23 ~~than the first Friday following the first Monday in January preceding the day fixed~~  
 24 ~~by law for holding the primary for the office. The petition shall be sworn to before~~  
 25 ~~an officer authorized to administer an oath by the candidate and by not less than two~~  
 26 ~~(2) registered voters from the district or circuit from which he or she seeks~~  
 27 ~~nomination. Signatures for nomination papers shall not be affixed on the document~~

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

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

12       ~~(4) The Secretary of State shall examine the petition of each candidate to determine~~  
13       ~~whether it is regular on its face. If there is an error, the Secretary of State shall~~  
14       ~~notify the candidate by certified mail within twenty four (24) hours of filing. The~~  
15       ~~order of names on the ballot for each district or circuit, and numbered division if~~  
16       ~~divisions exist, shall be determined by lot at a public drawing to be held in the~~  
17       ~~office of the Secretary of State at 2 p.m., standard time, on the Thursday following~~  
18       ~~the filing deadline for the primary as established in this section and in KRS~~  
19       ~~83A.045 and 118.165.~~

20       ~~(5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and~~  
21       ~~after the order of names on the ballot has been determined as required in subsection~~  
22       ~~(4) of this section, the Secretary of State shall:~~

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

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

4       ~~(6) The ballot position of a candidate shall not be changed after the ballot position has~~  
5           ~~been designated by the Secretary of State.~~

6       ~~(7) The county clerks of each county shall cause to be printed on the ballot labels for~~  
7           ~~the voting machines and on the special ballots for the primary the names of the~~  
8           ~~candidates for offices in the Court of Justice.~~

9       ~~(8) The names of the candidates shall be placed on the voting machine in a separate~~  
10           ~~column or columns or in a separate line or lines and identified by the words~~  
11           ~~"Judicial Ballot." The words "Vote for one," or "Vote for one in each division,"~~  
12           ~~shall be printed on the ballot in an appropriate location. The office, numbered~~  
13           ~~division if divisions exist, and the candidates shall be clearly labeled. No party~~  
14           ~~designation or emblem of any kind, nor any sign indicating any candidate's political~~  
15           ~~belief or party affiliation, shall be used on voting machines or special ballots.~~

16       ~~(9) The two (2) candidates receiving the highest number of votes for nomination for~~  
17           ~~justice or judge of a district or circuit, or numbered division if divisions exist, shall~~  
18           ~~be nominated. Certificates of nomination shall be issued as provided in KRS~~  
19           ~~118A.190.~~

20       ~~(10) If it appears after expiration of the time for filing petitions for nomination that there~~  
21           ~~are not more than two (2) candidates who have filed the necessary petitions for a~~  
22           ~~place on the ballot in the regular election, no drawing for ballot position shall be~~  
23           ~~held and the Secretary of State shall immediately issue and file in the Secretary's~~  
24           ~~office certificates of nomination, and send copies to the candidates].~~

25       ➔ Section 5. KRS 118A.100 is amended to read as follows:

26       ~~{(1) Candidates for an unexpired term of a judicial office to be filled at a regular election~~  
27           ~~shall be nominated at the primary next preceding the regular election in the manner~~



1       prescribed in KRS 118A.060 if the vacancy occurs not later than the second Friday  
2       in December preceding the primary. If the vacancy occurs on or after that date,  
3       the]Any election to fill the unexpired term *of a judicial office* shall be held in  
4       accordance with the procedures described in *KRS Chapter 118*, [this section] and  
5       Section 152 of the Constitution of Kentucky.

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

11       ~~(3) Each candidate shall file a petition for nomination with the Secretary of State not~~  
12       ~~earlier than the first Wednesday after the first Monday in November of the year~~  
13       ~~preceding the year in which the election for the unexpired term will be held and not~~  
14       ~~later than the first Tuesday after the first Monday in June preceding the day fixed by~~  
15       ~~law for holding the regular election for the unexpired term, if the vacancy occurs~~  
16       ~~prior to the first Tuesday following the first Monday in June. If the vacancy occurs~~  
17       ~~after the first Tuesday following the first Monday in June, each candidate shall file a~~  
18       ~~petition for nomination with the Secretary of State not later than the second Tuesday~~  
19       ~~in August preceding the day fixed by law for holding the regular election for the~~  
20       ~~unexpired term. The petition shall be sworn to by the candidate and by not less than~~  
21       ~~two (2) registered voters from the district or circuit from which he or she seeks~~  
22       ~~nomination, before an officer authorized to administer an oath. Signatures for~~  
23       ~~nomination papers shall not be affixed on the document to be filed prior to the first~~  
24       ~~Wednesday after the first Monday in November of the year preceding the year in~~  
25       ~~which the office will appear on the ballot. The petition shall be filed no later than 4~~  
26       ~~p.m. local time at the place of filing when filed on the last date on which the papers~~  
27       ~~are permitted to be filed.~~

- 1 ~~(4) The petition for nomination shall be in the form prescribed by the State Board of~~  
2 ~~Elections. The petition shall include a declaration sworn to by the candidate, that he~~  
3 ~~or she possesses all the constitutional and statutory requirements of the office for~~  
4 ~~which the candidate has filed. Titles, ranks, or spurious phrases shall not be~~  
5 ~~accepted on the petition and shall not be printed on the ballots as part of the~~  
6 ~~candidate's name; however, nicknames, initials, and contractions of given names~~  
7 ~~may be acceptable as the candidate's name.~~
- 8 ~~(5) The Secretary of State shall examine the petition of each candidate to determine~~  
9 ~~whether it is regular on its face. If there is an error, the Secretary of State shall~~  
10 ~~notify the candidate by certified mail within twenty four (24) hours of filing.~~
- 11 ~~(6) The order of names on the ballot for each district or circuit, and numbered division~~  
12 ~~if divisions exist, shall be determined by lot at a public drawing to be held in the~~  
13 ~~office of the Secretary of State at 2 p.m., standard time, on the Thursday following~~  
14 ~~the first Tuesday after the first Monday in June preceding the regular election for~~  
15 ~~those petitions for nomination required to be filed no later than the first Tuesday~~  
16 ~~following the first Monday in June. For those petitions for nomination required to~~  
17 ~~be filed no later than the second Tuesday in August, the order of names on the ballot~~  
18 ~~for each district and circuit, and numbered division if divisions exist, shall be~~  
19 ~~determined by lot at a public drawing to be held in the office of the Secretary of~~  
20 ~~State at 2 p.m., standard time, on the Thursday following the second Tuesday in~~  
21 ~~August preceding the regular election.~~
- 22 ~~(7) Not later than the date set forth in KRS 118.215 and after the order of names on the~~  
23 ~~ballot has been determined as required in subsection (6) of this section, the~~  
24 ~~Secretary of State shall:~~
- 25 ~~(a) Certify to the county clerks of the respective counties entitled to participate in~~  
26 ~~the election of the various candidates, the name and place of residence of each~~  
27 ~~candidate for each office, by district or circuit, and numbered division if~~

1           ~~divisions exist, as specified in the petitions for nomination filed with the~~  
2           ~~Secretary of State; and~~

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

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

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

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

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

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

26          ➔Section 6. The following KRS sections are repealed:

27          118A.090 Determination of order of names on ballot for regular election -- Secretary of

1 State's duties -- Ballot labels -- Ballot position unalterable -- District, circuit, or  
2 numbered division candidate with most votes elected.

3 118A.150 Certification of candidates -- Ballot labels -- Effect of death or withdrawal of  
4 candidate -- Penalty.

5 118A.190 Issuance of certificates by State Board of Elections -- Tie votes.

6 ➔Section 7. This Act shall take effect only upon the ratification, in the regular  
7 election of November 3, 2020, of a Constitutional amendment providing for the election  
8 of judges on a partisan basis. If such an amendment is not ratified, this Act shall be void.