

1 AN ACT relating to elections and making an appropriation therefor.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) The State Board of Elections shall establish, maintain, and continuously update a*
6 *computerized map of Kentucky containing census geography and election*
7 *precinct boundaries.*

8 *(2) The computerized map required by this section shall at a minimum allow the*
9 *board to:*

10 *(a) Maintain census geography and election precinct boundaries in a standard*
11 *geographic information system (GIS) format;*

12 *(b) Receive and upload to the map electronic maps of election precinct*
13 *boundaries submitted by the county boards of elections under Sections 3, 4,*
14 *and 5 of this Act;*

15 *(c) Upload and view the boundaries of the Commonwealth and the*
16 *Commonwealth's counties, and the boundaries of Congressional, state*
17 *senatorial, state representative, and justice of the peace or county*
18 *commissioner's districts, and the boundaries of aldermanic wards, to ensure*
19 *that the establishment of precincts by a county board of elections complies*
20 *with subsection (1) of Section 3 of this Act;*

21 *(d) Publicly display, consistent with subsection (3) of this section, maps of*
22 *election precinct boundaries; and*

23 *(e) Disseminate, consistent with subsection (4) of this section, maps of election*
24 *precinct boundaries.*

25 *(3) The State Board of Elections shall establish a Web site or portion of its existing*
26 *Web site to display, at all times, the official election precinct boundaries*
27 *established by the county boards of elections and approved by the State Board of*

1 Elections, subject to the following:

2 (a) The Web site shall be updated within fourteen (14) days of the State Board
3 of Elections' approval of any precinct establishment order submitted by a
4 county board of elections;

5 (b) The Web site shall be updated and display the election precinct boundaries
6 effective for primaries and regular or special elections as follows:

7 1. For primaries, no later than fourteen (14) days after the last date
8 prescribed by election law generally for filing notification and
9 declaration forms with the county clerk or Secretary of State; and

10 2. For regular and special elections, no later than seven (7) days after
11 the last date prescribed by election law generally for filing certificates
12 or petitions of nomination with the county clerk or Secretary of State;

13 (c) The Web site shall include a disclaimer noting the date of the last and most
14 recent update of the county election precinct boundaries; and

15 (d) Any preliminary update made by the county boards of elections prior to
16 approval by the State Board of Elections and the dates specified in
17 paragraphs (a) and (b) of this subsection shall, as to the State Board of
18 Elections, be exempt from the provisions of the Kentucky Open Records Act,
19 KRS 61.870 to 61.884, and may, at the sole discretion of the board, be
20 withheld from public display and dissemination, except as provided in
21 subsection (5) of this section and except that:

22 1. The last and most recently approved election precinct boundaries of
23 each county shall at all times be displayed to the public, and be
24 available for dissemination consistent with subsection (4) of this
25 section, by the board; and

26 2. Any dissemination of a preliminary update by the board to any person
27 or entity other than to a county board of elections or its agents or

1 assigns, or to the Legislative Research Commission or its designee,
2 shall require the board to disseminate the preliminary update to any
3 requesting party.

4 (4) Except as provided in subsection (5) of this section, the State Board of Elections
5 shall promulgate administrative regulations under KRS Chapter 13A establishing
6 a policy of disseminating paper and electronic maps of the official election
7 precinct boundaries maintained in its computerized map of Kentucky, subject to
8 the following:

9 (a) Except as provided in this subsection and subsection (5) of this section, the
10 policy shall be consistent with KRS 61.874;

11 (b) The board shall provide a means for any user to access, from the user's own
12 computer, the Web site display of election precinct boundaries and to
13 download, at no cost to the user, an electronic map of one (1) or more of the
14 county's election precinct boundaries in a format chosen by the board;

15 (c) The board may specify that any request for paper maps of election precinct
16 boundaries, or any request for electronic maps of election precinct
17 boundaries in a format other than that chosen by the board under
18 paragraph (b) of this subsection, is for a commercial purpose, which may
19 include a fee as provided in KRS 61.874; and

20 (d) Any fees collected by the board shall be credited to the Kentucky elections
21 technology trust fund established pursuant to Section 2 of this Act.

22 (5) Notwithstanding the provisions of this section or any other section of the
23 Kentucky Revised Statutes to the contrary, the State Board of Elections shall
24 disseminate an electronic map or file of the statewide election precinct
25 boundaries or of an individual county's election precinct boundaries to the
26 Legislative Research Commission, in a format specified by the Commission or its
27 designee, as follows:

1 (a) Within seven (7) days of an approval by the State Board of Elections of any
 2 precinct establishment order submitted by a county board of elections or of
 3 any update to the Web site display of election precinct boundaries required
 4 by subsection (3) of this section; or

5 (b) Within seven (7) days of any written request by the Commission or its
 6 designee for either the official election precinct boundaries established by
 7 the county board of elections and approved by the State Board of Elections
 8 or any preliminary updates by a county board of elections, or both.

9 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO
 10 READ AS FOLLOWS:

11 (1) The Kentucky elections technology trust fund is established as a separate fund to
 12 be administered by the Finance and Administration Cabinet for the use of the
 13 State Board of Elections. The fund may receive contributions, gifts, donations,
 14 appropriations, fees, and any other moneys made available for the fund.

15 (2) The trust fund shall be used by the State Board of Elections to establish,
 16 maintain, and update the computerized map of Kentucky required by Section 1 of
 17 this Act, and all amounts included in the fund are appropriated for the purposes
 18 set forth in this section.

19 (3) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of a
 20 fiscal year and any interest earnings of the fund at the close of a fiscal year shall
 21 not lapse but shall be carried forward into the succeeding fiscal year to be used to
 22 execute the day-to-day responsibilities of maintaining and updating the
 23 computerized map of Kentucky established pursuant to Section 1 of this Act.

24 (4) The Finance and Administration Cabinet may promulgate an administrative
 25 regulation pursuant to KRS Chapter 13A to establish the requirements for
 26 reporting, remitting, and depositing moneys into the trust fund.

27 ➔Section 3. KRS 117.055 is amended to read as follows:

1 Subject to KRS 117.0551 to 117.0555:

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

7 (a) The Commonwealth;

8 (b) A county or urban-county;

9 (c) A congressional district;

10 (d) A state senatorial district;

11 (e) A state representative district;

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

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

15 (2) The county board of elections shall have the authority to draw precinct lines so as to
16 enable more than one (1) precinct to vote at one (1) location. The county board of
17 elections shall review election precinct boundaries as often as necessary. Without
18 exception, they shall review the boundaries of all election precincts exceeding seven
19 hundred (700) votes cast in the last regular election prior to each primary~~[election]~~,
20 and the State Board of Elections may require a written report at least forty-five
21 (45)~~[sixty (60)]~~ days prior to the candidate filing deadline set forth in KRS
22 118.165(1) and (2) on each election precinct exceeding seven hundred (700) votes
23 cast in the last regular election. Consideration to the division of said election
24 precincts should be based on the anticipated growth factor within the specified
25 boundaries; however, the county board of elections shall not be prohibited from
26 dividing election precincts in excess of seven hundred (700) votes cast in the last
27 regular election or less than seven hundred (700) votes cast in the last regular

1 election if they elect to do so. However, the State Board of Elections may, in its
2 discretion, withhold from a county the expenses of an election under KRS 117.345
3 for any precinct containing more than one thousand five hundred (1,500) registered
4 voters, excluding those precincts utilizing optical scan voting machines and those
5 periods of time in which the precinct boundaries have been frozen under KRS
6 117.056.

7 (3) No election precinct shall be created, divided, abolished, or consolidated or the
8 boundaries therein changed prior to any primary~~[-election]~~ to comply with the
9 provisions of KRS 117.055 to 117.0555 and KRS 117.0557 later than the last date
10 prescribed by election law generally for filing notification and declaration forms
11 with the county clerk or Secretary of State. No election precinct shall be created,
12 divided, abolished, or consolidated or the boundaries therein changed prior to any
13 **regular**~~[general]~~ election to comply with the provisions of KRS 117.055 to
14 117.0555 and KRS 117.0557 later than the last date prescribed by election law
15 generally for filing certificates or petitions of nomination with the county clerk or
16 Secretary of State.

17 (4) The county board of elections shall designate the name or number and the
18 boundaries of the election precincts. Each precinct shall contain, as nearly as
19 practicable, an equal number of voters, based on the number of registered voters in
20 the county.

21 (5) **(a) Except as provided in paragraph (b) of this subsection, a paper** map and
22 listing of the exact election precinct boundaries shall be filed by the county
23 board of elections with the State Board of Elections, and any changes in
24 boundaries thereafter made shall also be filed with the State Board of
25 Elections.~~[A copy of this map indicating all precinct boundaries within the~~
26 ~~county shall be included in the election supplies of each precinct.]~~

27 **(b) A county board of elections may file an electronic map depicting its election**

1 *precinct boundaries with the State Board of Elections in lieu of a paper map*
 2 *and listing of the exact election precinct boundaries. If a county board of*
 3 *elections elects to file an electronic map under this paragraph, the map*
 4 *shall be filed in a format approved by the State Board of Elections.*

5 *(c) A paper copy of the map indicating all precinct boundaries within the*
 6 *county shall be included in the election supplies of each precinct.*

7 (6) If the county board of elections fails to perform any of the duties required by KRS
 8 117.055 to 117.0555 and KRS 117.0557:

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

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

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

18 ➔Section 4. KRS 117.0551 is amended to read as follows:

19 (1) A county board of elections shall establish election precincts so that each boundary
 20 of each precinct follows:

21 (a) A boundary described in KRS 117.055(1);

22 (b) The boundary of an incorporated city;

23 (c) A boundary of an urban-county legislative district established under KRS
 24 Chapter 67A;

25 (d) *A boundary of a consolidated local government legislative district*
 26 *established under KRS Chapter 67C;*

27 *(e)* A boundary of a school district or school district division established under

1 KRS Chapter 160; or

2 ~~(f)(e)~~ A boundary of a census tract or census block established by the United
3 States Bureau of the Census for the most recent decennial census of
4 population and appearing on census block boundary maps.

5 (2) If a county board of elections cannot establish a precinct that complies with KRS
6 117.055 by using the boundaries permitted under subsection (1) of this section, the
7 county board of elections may ~~either~~:

8 (a) Establish the precinct boundary by using a boundary following a visible
9 feature, including but not limited to a highway, railroad, or stream, and an
10 extension of that visible feature to, but not across, another visible feature, nor
11 across an extension of another feature that is used as a precinct boundary; ~~or~~

12 (b) **Establish the precinct boundary by using a boundary defined by two (2) or**
13 **more global positioning system (GPS) x/y coordinate pairs, if the county**
14 **files an electronic map depicting its proposed precinct boundary under**
15 **subsection (5)(b) of Section 3 of this Act; or**

16 **(c)** Request an exemption under KRS 117.0553 and 117.0554.

17 (3) For purposes of this section, a "visible feature" is a physical feature shown on
18 official maps prepared by:

19 (a) The Kentucky Transportation Cabinet;

20 (b) The United States Geological Survey; ~~or~~

21 (c) The United States Bureau of the Census; **or**

22 **(d) The Kentucky Geography Network.**

23 ➔Section 5. KRS 117.0552 is amended to read as follows:

24 (1) As used in KRS 117.055 to 117.0555 and KRS 117.0557, "establish a precinct"
25 shall include the following:

26 (a) Creating a new precinct;

27 (b) Dividing one (1) precinct into two (2) or more precincts;

- 1 (c) Combining two (2) or more precincts into one (1) precinct; and
- 2 (d) Altering a boundary line between two (2) or more precincts.
- 3 (2) Each county board of elections shall establish precincts by issuing a proposed
- 4 precinct establishment order. Each proposed precinct establishment order shall be
- 5 submitted to the executive director of the State Board of Elections for approval.
- 6 (3) The order prescribed in subsection (2) of this section shall include:
- 7 (a) A written description of the boundaries of each precinct to be established, if
- 8 *the county board of elections files a paper map of the precinct or precincts;*
- 9 (b) A *paper or electronic* map or maps clearly showing the boundaries of each
- 10 precinct to be established, *except that any electronic map or maps shall be*
- 11 *submitted in a format approved by the State Board of Elections;*
- 12 (c) The estimated number of registered voters in each precinct to be established;
- 13 and
- 14 (d) Any additional information which may be required by an administrative
- 15 regulation adopted by the State Board of Elections under KRS Chapter 13A
- 16 for the purposes of assuring compliance with KRS 117.055 to 117.0555 and
- 17 KRS 117.0557.
- 18 (4) If a proposed precinct establishment order includes a *paper map and* description of
- 19 a precinct with a boundary that follows the boundary of an entity referred to in KRS
- 20 117.0551(1), the order shall include the following:
- 21 (a) A description that precisely identifies the boundary line; and
- 22 (b) A notation on the *paper* map of the precinct indicating that the boundary is
- 23 that of an entity referred to in KRS 117.0551(1) and naming the specific
- 24 entity.
- 25 (5) If a proposed precinct establishment order includes a *paper map and* description of
- 26 a precinct boundary that follows one or more visible features, the order shall include
- 27 a description that precisely identifies each feature that forms the precinct boundary.

1 ➔Section 6. KRS 117.0556 is amended to read as follows:

2 For the purposes of implementing KRS 7.550:

3 (1) The State Board of Elections shall provide the Legislative Research Commission:

4 (a) A copy of each proposed precinct establishment order submitted under KRS
5 117.0552;

6 (b) A copy of each request for an exemption filed under KRS 117.0553 and
7 117.0554;

8 (c) Notice of the time and place of any hearing on a request for an exemption held
9 under KRS 117.0554; and

10 (d) A copy of each precinct establishment order approved under KRS 117.0553 to
11 117.0555.

12 (2) The Legislative Research Commission or its designee shall be given an opportunity
13 to review~~[comment upon]~~ any proposed order or request for an exemption made
14 under KRS 117.0553 to 117.0555 prior to the State Board of Elections' approval of
15 the order or decision on the request.

16 ➔Section 7. KRS 7.550 is amended to read as follows:

17 (1) The Legislative Research Commission shall serve as the legislative department's
18 liaison with the United States Bureau of the Census for purposes of Kentucky's
19 participation in and receipt of census maps and data under programs implementing
20 United States Public Law 94-171, relating to the development of population data for
21 redistricting.

22 (2) The Legislative Research Commission shall maintain and continuously update a
23 computerized map of Kentucky containing census geography and election precinct
24 boundaries *for the General Assembly's use in redistricting. The election precinct*
25 *boundaries shall be derived from the boundaries established by the county boards*
26 *of elections and approved by the State Board of Elections, except that the*
27 *Legislative Research Commission may, for the sole purpose of redistricting, alter*

1 *in its computerized map the depiction of any election precinct boundary*
 2 *established by a county board of elections that does not follow a boundary utilized*
 3 *by the United States Bureau of the Census for reporting population data.*

4 (3) The Legislative Research Commission shall *be given an opportunity to* review any
 5 proposed precinct establishment order and request for an exemption made under
 6 KRS 117.0552 to 117.0554 to determine the effect of the proposed order or
 7 exemption upon the Commonwealth's participation in programs to implement
 8 United States Public Law 94-171. ~~If the Commission determines that the proposed~~
 9 ~~order or exemption would have an adverse effect upon the Commonwealth's ability~~
 10 ~~to participate in the programs, it shall so advise the State Board of Elections.]~~

11 (4) The Legislative Research Commission may direct its interim joint subcommittee of
 12 appropriate jurisdiction to perform or oversee the performance of the
 13 responsibilities assigned to the Commission by this section.

14 ➔Section 8. KRS 67.045 is amended to read as follows:

15 (1) For the purposes of this section the word "district" shall mean:

16 (a) Justice's of the peace district in counties having a fiscal court composed of the
 17 county judge/executive and the justices of the peace;

18 (b) County commissioner's district in counties having a fiscal court composed of
 19 the county judge/executive and three (3) county commissioners; or

20 (c) Justice's of the peace district in counties having a fiscal court composed of the
 21 county judge/executive and three (3) county commissioners established
 22 according to KRS 67.060.

23 (2) In counties where the members of the county fiscal court are nominated or elected
 24 by districts, the boundaries of those districts shall be drawn so that the districts are
 25 compact, contiguous, and the population of each district shall be as nearly equal as
 26 is reasonably possible.

27 (3) In counties where the fiscal court consists of the county judge/executive and three

- 1 (3) county commissioners established according to KRS 67.060, the justice of the
2 peace districts shall be coextensive with the three (3) county commissioner districts.
- 3 (4) **(a) Except as provided in paragraph (b) of this subsection,** the fiscal court shall
4 initiate **redistricting**~~reapportionment~~ proceedings in May of the first year
5 following the decennial census of the United States.
- 6 **(b) In lieu of initiating redistricting proceedings in May of the first year**
7 **following the decennial census of the United States, the fiscal court may**
8 **defer redistricting its districts until after the General Assembly has**
9 **redistricted the Kentucky senatorial and representative districts, except that**
10 **the fiscal court shall initiate redistricting proceedings no later than May of**
11 **the third year following each decennial census of the United States.**
- 12 **(c)** The fiscal court may, at other times, review the district boundaries and shall
13 initiate **redistricting**~~reapportionment~~ proceedings if the district boundaries
14 are in violation of subsection (2) of this section.
- 15 (5) To initiate a **redistricting**~~reapportionment~~ proceeding, the fiscal court shall
16 publish notice of the planned **redistricting**~~reapportionment~~ in accordance with
17 KRS Chapter 424 and appoint three (3) competent citizens of the county over
18 twenty-one (21) years of age, and residing in different districts, and the county clerk
19 as a nonvoting member as commissioners to **redistrict**~~reapportion~~ the county into
20 not less than three (3) nor more than eight (8) justices' districts in counties having a
21 fiscal court composed of the county judge/executive and the justices of the peace or
22 three (3) commissioner's districts in counties having a fiscal court composed of the
23 county judge/executive and county commissioners. The commissioners, before they
24 proceed to act, shall be sworn to faithfully perform their duties. They shall receive
25 out of the county treasury a reasonable compensation for their services, fixed by the
26 fiscal court.
- 27 (6) The commissioners shall, within sixty (60) days after their appointment, lay off the

1 boundary lines of the districts. They shall file in the office of the county clerk and
2 with each member of the fiscal court a written report, showing the boundary of each
3 district and the estimated population in each. Within sixty (60) days of the receipt of
4 the report, the fiscal court shall consider the report of the commissioners and, in
5 accordance with the provisions of KRS 67.075 to 67.077, adopt or amend the report
6 in establishing the districts. In no event shall districts be ~~redistricted~~~~reapportioned~~
7 during the period from thirty (30) days prior to the last date for filing for candidacy
8 for county office as provided in KRS 118.165 and the regular election for
9 candidates for county office.

10 (7) Precinct lines shall be redrawn when necessary in accordance with the provisions of
11 KRS 117.055. No precinct shall be in more than one (1) district.

12 (8) Within twenty (20) days of the establishment of the districts by the fiscal court, any
13 registered voter of the county may bring an action in the Circuit Court to enforce the
14 provisions of this section. The Circuit Court shall hear the action and, on a finding
15 that the fiscal court has violated the provisions of this section, remand the matter to
16 the fiscal court. The Circuit Court, in its discretion, may allow the prevailing party,
17 other than the fiscal court, a reasonable attorney's fee, to be paid from the county
18 treasury, as part of the costs.

19 ➔Section 9. KRS 67.050 is amended to read as follows:

20 (1) Any county may have a fiscal court consisting of the county judge/executive and
21 three (3) commissioners elected from the county at large. To ascertain whether the
22 county desires to have county commissioners, the county judge/executive, upon an
23 application by written petition signed by registered voters of the county equal in
24 number to at least fifteen percent (15%) of the total number of votes cast in the
25 county in the preceding presidential election or one thousand two hundred (1,200)
26 registered voters of the county, whichever is less, shall enter an order on his order
27 book calling an election to submit to the legal voters of the county the following

1 question: "Are you for or against having a fiscal court composed of three (3)
2 commissioners and the county judge/executive?" The order shall be entered at the
3 next regular term after the petition is filed, and shall direct the election to be held at
4 the next regular election to be held in the county if the order is filed with the county
5 clerk not later than the second Tuesday in August preceding the day of the regular
6 election. The county clerk shall give to the sheriff or other officer appointed to hold
7 the election a certified copy of the order within five (5) days after the order is made,
8 and the sheriff or other officer shall have the order published pursuant to KRS
9 Chapter 424 and in addition advertise it by printed handbills posted at one (1) or
10 more conspicuous places in each precinct in the county for the length of time that
11 publication is required, stating when the election will be held and the purpose
12 thereof.

13 (2) All such elections shall be held under the general election laws. No such election
14 shall be held in any county more often than once in four (4) years.

15 (3) Any county that has voted in favor of having county commissioners may return to
16 its prior form of government by following the same procedures as provided in
17 subsections (1) and (2) of this section, by which it chose to have county
18 commissioners. A petition for an election on a return to a fiscal court composed of
19 justices of the peace and the county judge/executive shall state a proposed number
20 of justices of the peace. The question to be submitted to the voters shall be in the
21 following form: "Are you in favor of a return to a fiscal court composed of the
22 county judge/executive and (insert the proposed number of justices) justices of the
23 peace who shall represent specific districts within the county?"

24 (4) If a majority of the votes cast at an election held under subsection (3) of this section
25 are in favor of a return to a fiscal court composed of justices of the peace and the
26 county judge/executive, the fiscal court shall, if necessary, initiate proceedings to
27 redistrict~~reapportion~~ the justices districts, and such redistricting~~reapportionment~~

1 shall conform to the requirements of KRS 67.045. The change in the composition of
2 the fiscal court shall become effective upon the assumption of office of justices of
3 the peace elected at the next regular election for that office.

4 ➔Section 10. KRS 67C.103 is amended to read as follows:

5 (1) The legislative authority of a consolidated local government, except as otherwise
6 specified in KRS 67C.101 to 67C.137, shall be vested in a consolidated local
7 government council. The members of the council shall be nominated and elected by
8 district. There shall be only one (1) council member elected from each council
9 district.

10 (2) There shall be twenty-six (26) council districts. The initial boundaries, population,
11 and numerical designation of the council districts shall be as specified by KRS
12 67C.135. The population of the council districts shall be as nearly equal as is
13 reasonably possible. For any newly consolidated local governments whose officials
14 take office in 2003, upon taking office, the legislative council may take action to
15 adjust the boundaries and population of the districts in order to equalize the
16 population of the districts which may have changed as a result of recent census
17 information. Any changes made to alter the boundaries of council districts shall be
18 based on the population of the county as determined by the most recent United
19 States Census or official census estimates as provided by the United States Bureau
20 of the Census.

21 (3) Following the official publication of each decennial census by the United States
22 Bureau of the Census for the area embraced by a consolidated local government, the
23 council shall adopt an ordinance, if necessary, to redistrict the council districts
24 *according to the time periods established in subsection (5) of Section 11 of this*
25 *Act.* A redistricting ordinance shall provide for the distribution of population among
26 the council districts as nearly equal as is reasonably possible. Every council district
27 shall be compact and contiguous and shall respect existing neighborhood,

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

1 days after its members have taken office, and shall thereafter hold at least one (1)
2 regular meeting per month. No newspaper notice shall be required for regular or
3 special meetings of the consolidated local government council. However, notice of
4 all meetings of the council and all meetings of committees of the council shall be
5 held pursuant to KRS 61.805 to 61.850.

6 (9) A majority of the members of the consolidated local government council shall
7 constitute a quorum, but a smaller number may adjourn from day to day. The
8 consolidated local government council may enforce the attendance of members by
9 rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the
10 entire membership of the council may call a special meeting at any time. Meetings
11 shall be held in such places in the county as are provided by ordinance, and the
12 place of meetings shall not be changed except by an ordinance for which two-thirds
13 (2/3) of the members of the consolidated local government council have voted.

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

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

19 (a) Otherwise provided by statute; or

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

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

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

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

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

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

11 (c) Adopt a budget ordinance;

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

14 (e) Establish standing and temporary committees; and

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

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

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

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

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

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

27 3. Composed on the basis of the proportion of each of the two (2) caucuses'

1 total membership as compared to the total membership of the legislative
2 council. Any fractional proportions shall be rounded in the favor of the
3 smallest caucus' membership on the committee.

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

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

- 1 (c) The legislative council of the consolidated local government shall adopt by
2 resolution any process or procedures deemed necessary for the administration
3 of subpoenas and oaths.
- 4 (d) The legislative council of the consolidated local government may only act to
5 remove an appointee to a board or commission described in subsection (13)(f)
6 of this section upon the recommendation of the Government Oversight and
7 Audit Committee.
- 8 (e) The Government Oversight and Audit Committee shall have the power to
9 issue subpoenas or administer oaths. Except as provided in KRS 65.003(7),
10 the legislative council of the consolidated local government shall not delegate
11 those powers to any other entity or entities not a part of the legislative council
12 of the consolidated local government.
- 13 (15) The consolidated local government council shall be known as the legislative council
14 of/..... County Metro Government, which shall be a
15 combination of the names of the largest city in existence in the county on the date of
16 the adoption of the consolidated local government and the county.
- 17 ➔Section 11. KRS 67C.135 is amended to read as follows:
- 18 (1) After certification of the election at which the voters of a county containing a city of
19 the first class have approved the consolidation of a city of the first class and the
20 county and after receipt of the 2000 census data, a plan to divide the county into
21 twenty-six (26) legislative council districts shall be submitted to the fiscal court in
22 order to establish the initial boundaries of the legislative council districts for the
23 newly consolidated government.
- 24 (2) The district plan for the legislative council shall be prepared and submitted by
25 representatives of a department of geography from the largest public university that
26 exists within the county.
- 27 (3) Upon submission of the plan that lays out the initial boundaries of the legislative

1 council districts, the fiscal court shall approve the plan within thirty (30) days as
2 submitted and without amendment.

3 (4) The boundaries of the districts shall be drawn so that the districts are compact and
4 contiguous, and the population of each district shall be as nearly equal as is
5 reasonably possible.

6 (5) (a) Thereafter, and not less than every ten (10) years, **except as provided by**
7 **paragraph (b) of this subsection**, the legislative council shall initiate
8 **redistricting**~~reapportionment~~ proceedings in May of the first year following
9 the decennial census of the United States to review the districts and
10 **redistrict**~~reapportion~~ them if necessary.

11 **(b) In lieu of initiating redistricting proceedings in May of the first year**
12 **following the decennial census of the United States, the legislative council**
13 **may defer redistricting its districts until after the General Assembly has**
14 **redistricted the Kentucky senatorial and representative districts, except that**
15 **the legislative council shall initiate redistricting proceedings no later than**
16 **May of the third year following each decennial census of the United States.**

17 (6) To initiate a **redistricting**~~reapportionment~~ proceeding, the legislative council shall
18 publish notice of the planned **redistricting**~~reapportionment~~ in accordance with
19 KRS Chapter 424.

20 (7) In no event shall districts be **redistricted**~~reapportioned~~ during the period from
21 thirty (30) days prior to the last date for filing for candidacy for local government
22 office as provided in KRS 118.165 and the regular election for candidates for local
23 government office.

24 (8) Precinct lines shall be drawn when necessary in accordance with the provisions of
25 law. No precinct shall be in more than one (1) district.

26 (9) Within twenty (20) days of the establishment of the districts by the legislative
27 council, any registered voter of the county may bring an action in the Circuit Court

1 to enforce the provisions of this section. The Circuit Court shall hear the action and,
2 on a finding that the legislative council has violated the provisions of this section,
3 remand the matter to the legislative council. The Circuit Court, in its discretion,
4 may allow the prevailing party, other than the legislative council, a reasonable
5 attorney's fee, to be paid from the treasury of the local government, as part of the
6 costs.

7 ➔Section 12. The State Board of Elections shall cause the computerized map of
8 Kentucky containing census geography and election precinct boundaries required by
9 Section 1 of this Act to be developed and implemented no later than June 1, 2023.

10 ➔Section 13. Sections 3 to 5 of this Act shall take effect June 1, 2023.