

1 AN ACT relating to elections in the Court of Justice.

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 ***ensure***~~[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 ***a*** primary~~[elections]~~, permit a voter to vote for all the candidates
11 of one (1) party or for one (1) or more candidates of every party having candidates
12 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 ***a*** primary~~[elections]~~ so that a voter may not vote for
20 any person except those seeking nomination as candidates of ***the voter's***~~[his]~~ party,
21 or as candidates for ***judges of the Circuit Court or District Court in***~~[an office of]~~
22 the Court of Justice.
- 23 (8) It will correctly register and accurately count all votes cast for each person, and for
24 or against each public question.
- 25 (9) It can be determined whether the machine has been unlocked and operated after
26 once being locked.
- 27 (10) It will show at all times during an election how many persons have voted by a

1 device hereinafter referred to as a public counter.

2 (11) The counter indicating the number of votes cast for each person and for or against
3 each public question cannot be seen or tampered with without unlocking a covering
4 device that cannot be unlocked by a key that unlocks any other part of the machine.
5 When such counters are so exposed the machine can no longer be placed into
6 condition for operation without the use of a special key, which key shall not have
7 been in the possession of the election officers at the polling places; but if this
8 requirement has the effect of eliminating from consideration any other make of
9 machine such requirement shall not apply.

10 (12) The operating device and operating mechanism may be locked before the time for
11 opening the polls and after the time for closing the polls.

12 (13) It is accompanied by a mechanical model illustrating the manner of voting on the
13 machine, suitable for the instruction of voters.

14 (14) It will permit a voter to vote for all the candidates for presidential electors of any
15 party by one (1) operation.

16 (15) It will permit a voter to vote, in any regular or special election, for any person
17 desired to be voted for whose name does not appear upon the voting machine.

18 (16) It bears a number that will distinguish it from any other machine.

19 (17) The frames in which ballot labels are placed shall be constructed with transparent
20 protective devices, in order that the names thereon cannot be mutilated or altered.

21 ➔Section 2. KRS 117.315 is amended to read as follows:

22 (1) Each political party is entitled to have not exceeding two (2) challengers at each
23 precinct during the holding of the primary~~election~~. Any group of bona fide
24 candidates, as defined in KRS 118.176, of the same political party equal to twenty-
25 five percent (25%) of all the candidates for that party to be voted for in a county in
26 any primary, including state, district, and all other candidates, may recommend to
27 the county committee or governing authority of the party for the county a list of

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

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

1 twenty (20) days preceding the primary or regular election. The challenger shall be
2 entitled to stay in the room or at the door. The challenger shall be a registered voter
3 of the county in which the primary or election is held, shall be appointed in writing
4 by the chair of the committee, independent candidate, or candidates representing a
5 ticket, and shall produce written appointment on demand of any election officer.

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

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

1 judge/executive and, upon hearing, the county judge/executive shall determine
2 which of the committees shall be recognized as the one to select challengers at the
3 election.

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

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

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

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

24 (2) Candidates for offices to be voted for by the electors of more than one (1) county,
25 and for members of Congress, [~~and~~] members of the General Assembly, *and for*
26 *Judges of the Court of Appeals or Justices of the Supreme Court* shall file their
27 nomination papers with the Secretary of State not earlier than the first Wednesday

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

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

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

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

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

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

1 nomination. Signatures for nomination papers shall not be affixed on the document
2 to be filed prior to the first Wednesday after the first Monday in November of the
3 year preceding the year in which the office will appear on the ballot. The petition
4 shall be filed no later than 4 p.m. local time at the place of filing when filed on the
5 last date on which the papers are permitted to be filed.

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

13 (4) The Secretary of State shall examine the petition of each candidate to determine
14 whether it is regular on its face. If there is an error, the Secretary of State shall
15 notify the candidate by certified mail within twenty-four (24) hours of filing. The
16 order of names on the ballot for each district or circuit, and numbered division if
17 divisions exist, shall be determined by lot at a public drawing to be held in the
18 office of the Secretary of State at 2 p.m., standard time, on the Thursday following
19 the filing deadline for the primary as established in this section and in KRS~~§~~
20 ~~83A.045 and~~ 118.165.

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

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

1 her; and

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

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

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

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

18 (9) The two (2) candidates receiving the highest number of votes for nomination for
19 **Judge of the Circuit Court or District Court**~~[justice or judge]~~ of a district or
20 circuit, or numbered division if divisions exist, shall be nominated. Certificates of
21 nomination shall be issued as provided in KRS 118A.190.

22 (10) **The name of any candidate for Judge of the Court of Appeals or Justice of the**
23 **Supreme Court shall be placed on the ballot in accordance with KRS 118.125 and**
24 **118.345.**

25 **(11)** If it appears after expiration of the time for filing petitions for nomination that there
26 are not more than two (2) candidates who have filed the necessary petitions for a
27 place on the ballot in the regular election, no drawing for ballot position shall be

1 held and the Secretary of State shall immediately issue and file in the Secretary's
2 office certificates of nomination, and send copies to the candidates.

3 ➔Section 5. KRS 118A.090 is amended to read as follows:

4 (1) For the regular election, the order of names on the ballot for each district or circuit,
5 and numbered division if divisions exist, shall be determined by lot at a public
6 drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on
7 the Thursday following the first Tuesday after the first Monday in June preceding
8 the regular election, except as provided in KRS 118A.100(6).

9 (2) Not later than the date set forth in KRS 118.215(1)(b) after the filing deadline for
10 the regular election in a year in which there is no election for President and Vice
11 President of the United States, or not later than the date set forth in KRS
12 118.215(1)(c) preceding a regular election in a year in which there is an election for
13 President and Vice President of the United States, and after the order of names on
14 the ballot has been determined as required in subsection (1) of this section, the
15 Secretary of State shall:

16 (a) Certify to the county clerks of the respective counties entitled to participate in
17 the election of the various candidates, the name and place of residence of each
18 candidate for each office, by district or circuit, and numbered division if
19 divisions exist, as certified under KRS 118A.060; and

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

23 (3) The ballot position of a candidate shall not be changed after the ballot position has
24 been designated by the Secretary of State. The county clerks of each county shall
25 cause to be printed on the ~~ballot labels for the voting machines and on the special~~
26 ballots for the regular elections the names of the candidates for offices of the Court
27 of Justice.

1 (4) The names of the candidates for Judge of the Circuit Court and District Court
 2 shall be placed on the ballots~~[voting machine]~~ in a separate column or columns or
 3 in a separate line or lines and identified by the words "Nonpartisan Judicial Ballot,"
 4 and in such a manner that the casting of a vote for all of the candidates of a political
 5 party will not operate to cast a vote for judicial candidates for the Circuit Court
 6 and District Court. The words "Vote for one" or "Vote for one in each division,"
 7 shall be printed on the ballot in an appropriate location. The office, numbered
 8 division thereof if divisions exist, and the candidates therefor shall be clearly
 9 labeled. No party designation or emblem of any kind, nor any sign indicating any
 10 candidate's political belief or party affiliation, shall be used on~~[voting machines or~~
 11 ~~special]~~ ballots.

12 (5) The name of any candidate for Judge of the Court of Appeals or Justice of the
 13 Supreme Court shall be placed on the ballot in accordance with KRS 118.125 and
 14 118.345.

15 (6) The candidate receiving the highest number of votes cast at the regular election for a
 16 district or circuit, or for a numbered division thereof if divisions exist, shall be
 17 elected.

18 ➔Section 6. KRS 118A.100 is amended to read as follows:

19 (1) Candidates for an unexpired term of a judicial office to be filled at a regular election
 20 shall be nominated at the primary next preceding the regular election in the manner
 21 prescribed in KRS 118A.060 if the vacancy occurs not later than the second Friday
 22 in December preceding the primary. If the vacancy occurs on or after that date, the
 23 election to fill the unexpired term shall be held in accordance with the procedures
 24 described in KRS Chapter 118~~[this section]~~ and Section 152 of the Constitution of
 25 Kentucky.

26 (2) If in a regular election for Judge of the Circuit Court or District Court~~[judicial~~
 27 ~~office]~~ no candidates nominated as provided in KRS 118A.060 are available due to

1 death, incapacity, or withdrawal, ~~and the candidates have not been replaced as~~
2 ~~provided in KRS 118A.060,~~ the election to fill the regular term shall be conducted
3 in the manner prescribed in subsections (3) through (11) of this section.

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

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

- 1 (5) The Secretary of State shall examine the petition of each candidate to determine
2 whether it is regular on its face. If there is an error, the Secretary of State shall
3 notify the candidate by certified mail within twenty-four (24) hours of filing.
- 4 (6) The order of names on the ballot for each district or circuit, and numbered division
5 if divisions exist, shall be determined by lot at a public drawing to be held in the
6 office of the Secretary of State at 2 p.m., standard time, on the Thursday following
7 the first Tuesday after the first Monday in June preceding the regular election for
8 those petitions for nomination required to be filed no later than the first Tuesday
9 following the first Monday in June. For those petitions for nomination required to
10 be filed no later than the second Tuesday in August, the order of names on the ballot
11 for each district and circuit, and numbered division if divisions exist, shall be
12 determined by lot at a public drawing to be held in the office of the Secretary of
13 State at 2 p.m., standard time, on the Thursday following the second Tuesday in
14 August preceding the regular election.
- 15 (7) Not later than the date set forth in KRS 118.215 and after the order of names on the
16 ballot has been determined as required in subsection (6) of this section, the
17 Secretary of State shall:
- 18 (a) Certify to the county clerks of the respective counties entitled to participate in
19 the election of the various candidates, the name and place of residence of each
20 candidate for each office, by district or circuit, and numbered division if
21 divisions exist, as specified in the petitions for nomination filed with the
22 Secretary of State; and
- 23 (b) Designate for the county clerks the district or circuit~~office~~ of the Court of
24 Justice with which the names of candidates shall be printed and the order in
25 which they are to appear on the ballot.
- 26 (8) The ballot position of a candidate shall not be changed after the ballot position has
27 been designated by the county clerk.

- 1 (9) The county clerks of each county shall cause to be printed on the ballots~~[ballot~~
2 ~~labels for the voting machines]~~ and on the absentee ballots for the regular election
3 the names of the candidates for Judge of the Circuit Court and District
4 Court~~[offices]~~ of the Court of Justice.
- 5 (10) The names of the candidates for Judge of the Circuit Court and District Court
6 shall be placed on the ballots~~[voting machine]~~ in a separate column or columns or
7 in a separate line or lines and identified by the words "Nonpartisan Judicial Ballot,"
8 and in a manner so that the casting of a vote for all of the candidates of a political
9 party will not operate to cast a vote for judicial candidates for Circuit Court or
10 District Court. The words "Vote for one" or "Vote for one in each division," shall
11 be printed on the appropriate location. The office, numbered division if divisions
12 exist, and the candidates therefor shall be clearly labeled. No party designation or
13 emblem of any kind, nor any sign indicating any candidate's political belief or party
14 affiliation, shall be used on~~[voting machines or special]~~ ballots.
- 15 (11) The candidate receiving the highest number of votes cast at the regular election for a
16 district or circuit, or for a numbered division if divisions exist, shall be elected for
17 Judge of the Circuit Court or District Court.
- 18 (12) If in a regular election for Judge of the Court of Appeals or Justice of the
19 Supreme Court a candidate nominated as provided in KRS Chapter 118 is not
20 available due to death, incapacity, or withdrawal, the candidate shall be replaced
21 as provided in KRS 118.325, and the election to fill the regular term shall be
22 conducted in the manner prescribed in KRS Chapter 118.
- 23 (13) A judge who elected to retire as a Senior Status Special Judge in accordance with
24 KRS 21.580 shall not become a candidate or a nominee for any elected office
25 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
26 number of days served by the judge acting as a Senior Status Special Judge.
- 27 ➔Section 7. KRS 118A.150 is amended to read as follows:

- 1 (1) In certification of candidates for *Judge of the Circuit Court or District*
2 *Court*~~[judicial office]~~, no reference shall be made to political affiliation.
- 3 (2) The Secretary of State shall not knowingly certify to the county clerk of any county
4 the name of any candidate who has not filed the required nomination or candidacy
5 papers, nor knowingly fail to certify the name of any candidate who has filed the
6 required nomination or candidacy papers.
- 7 (3) No county clerk shall knowingly cause to be printed on any~~[the]~~ ballot~~[labels or~~
8 ~~absentee ballots]~~ for any election, the name of a candidate for an office of the Court
9 of Justice who has not been certified in the manner specified in this chapter *or as*
10 *specified in KRS Chapter 118.*
- 11 (4) If, before the time of certification of candidates who will appear on the ballot
12 provided for in this chapter, any candidate whose petition or certificate of
13 nomination or petition for candidacy has been filed, dies or notifies the Secretary of
14 State in writing, signed and properly notarized, that he *or she* will not accept the
15 nomination or election, the Secretary of State shall not certify his *or her* name.
- 16 (5) If, after the certification of candidates who will appear on the ballot, any candidate
17 whose petition or certificate of nomination or petition for candidacy has been filed,
18 dies or notifies the Secretary of State in the manner described in subsection (4) of
19 this section, that he *or she* will not accept the nomination or election, the Secretary
20 of State shall immediately notify the appropriate county clerk, and the clerk shall
21 ensure that notice is provided to the appropriate precincts as provided in subsection
22 (7) of this section.
- 23 (6) If after the certification of candidates who will appear on the ballot, any candidate
24 whose name appears on the ballot shall withdraw or die, neither the precinct
25 election officers nor the county board of elections shall tabulate or record the votes
26 cast for the candidate; and, in a primary~~[election]~~, if there are only one (1) or two
27 (2) remaining candidates on the ballot for that office, following the withdrawal or

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

7 (7) If, after the certification of candidates who will appear on the ballot, any candidate
8 whose name appears on the ballot shall withdraw pursuant to KRS 118.212 or die,
9 the county clerk shall provide notices to the precinct election officers who shall see
10 that a notice is conspicuously displayed at the polling place advising voters of the
11 change, and that votes for the candidate shall not be tabulated or recorded. If the
12 county clerk learns of the death or withdrawal at least five (5) days prior to the
13 election and provides the notices required by this subsection and the precinct
14 officers fail to post the notices at the polling place, the officers shall be guilty of a
15 violation, subject to a fine of not less than ten dollars (\$10) nor more than two
16 hundred fifty dollars (\$250).

17 ➔Section 8. KRS 118A.190 is amended to read as follows:

18 (1) The State Board of Elections shall issue certificates of nomination or election for all
19 primary and regular elections as provided in this section.

20 (2) Following a primary or regular election, the board of elections of each county shall
21 make out duplicate certificates of the total number of votes received by each
22 candidate, by circuit or district, and numbered division thereof if divisions exist.
23 The certificate of the total number of votes shall be certified to the Secretary of
24 State's Office not later than 12 noon, prevailing time, on the Friday following the
25 primary or regular election. The clerk shall keep one (1) of the certificates in his or
26 her office and, within three (3) days of their receipt from the board, shall forward
27 the other certificate by mail to the Secretary of State who shall deliver it to the State

1 Board of Elections.

2 (3) The State Board of Elections shall meet to count and tabulate the votes received by
3 the different candidates as certified to the Secretary of State no later than the third
4 Monday after the primary or regular election. When the board certifies the results of
5 a primary or regular election, the right to contest the election or primary shall not be
6 impaired. A majority of the members of the board shall constitute a quorum and
7 may act. The board shall prepare the certificates of nomination or election in the
8 office of the board, from the returns made. The certificates shall be in writing and in
9 duplicate, and shall be signed by the board members. The board shall forward the
10 original certificate, by mail, to the nominated or elected candidate, unless he or she
11 has failed to comply with KRS Chapter 121. The duplicate shall be retained in the
12 office of the board.

13 (4) Certificates of nomination for a nonpartisan judicial office shall be issued to the
14 two (2) candidates receiving the highest number of votes, except that if more than
15 two (2) candidates are found to have received the highest and an equal number of
16 votes for the same office or if two (2) or more candidates are found to have received
17 the second highest and an equal number of votes for the same office, the election
18 shall be determined by lot in the manner the board directs, in the presence of not
19 less than three (3) other persons.

20 (5) The certificate of election for a judicial office shall be issued to the candidate
21 receiving the highest number of votes, except that if two (2) or more candidates are
22 found to have received the highest and an equal number of votes for the same
23 office, the election shall be determined by lot in the manner the board directs, in the
24 presence of not less than three (3) other persons.

25 ➔Section 9. This Act shall take effect only upon the ratification, in the regular
26 election of November 8, 2022, of a Constitutional amendment providing for the election
27 of Judges of the Court of Appeals and Justices of the Supreme Court on a partisan basis.

- 1 If such an amendment is not ratified, this Act shall be void.