

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 63.200 is amended to read as follows:

- 4 (1) (a) The Governor shall fill vacancies in the office of United States Senator by
5 appointment and the appointee shall serve until a successor has been elected
6 and qualified under subsection (2), (3), (4), or (5) of this section.
- 7 (b) The appointee shall be selected from a list of three (3) names submitted by the
8 state executive committee of the same political party as the Senator who held
9 the vacant seat to be filled, shall have been continuously registered as a
10 member of that political party since December 31 of the preceding year, and
11 shall be named within twenty-one (21) days from the date of the list
12 submission
- 13 (c) In the event the vacant seat was held by a person who was not a member of
14 any political party as defined under KRS 118.015, the Governor shall appoint
15 any qualified voter who is not a member of any political party as defined
16 under KRS 118.015.
- 17 (d) Upon appointment, the Governor shall, under the seal of the Commonwealth,
18 certify the appointment to the President of the Senate of the United States. The
19 certificate of appointment shall be countersigned by the Secretary of State.
- 20 (2) If a vacancy occurs more than three (3) months before the election in any year in
21 which any regular election is held in this state, the remainder of the unexpired term
22 shall be filled as follows:
- 23 (a) Candidates for the unexpired term shall file petitions of nomination no later
24 than the fourth Tuesday in August before the date of the scheduled regular
25 election;
- 26 (b) Petitions shall meet the requirements established under KRS 118.315, except:
- 27 1. The signatures of no more than one thousand (1,000) petitioners shall be

- 1 required;
- 2 2. The petition of nomination shall contain a selection where a candidate
- 3 shall designate whether the political party affiliation, or lack of
- 4 affiliation, shall be placed on the ballot with the name of the candidate;
- 5 and
- 6 3. The designation made under subparagraph 2. of this paragraph shall not
- 7 be changed following the filing of the nomination papers;
- 8 (c) The order of the names on the ballot for the candidates to be voted for shall be
- 9 determined by lot at a public drawing to be held in the office of the Secretary
- 10 of State at 2 p.m., prevailing time, on the Thursday following the last Tuesday
- 11 in August;
- 12 (d) After the order of names has been determined under paragraph (c) of this
- 13 subsection, the Secretary of State shall certify to the county clerks:
- 14 1. The name of each candidate; and
- 15 2. The party affiliation, or lack of affiliation, of the candidate if designated
- 16 for inclusion on the ballot as provided in paragraph (b) of this
- 17 subsection;
- 18 (e) All candidates qualifying to be placed on the ballot shall be listed in a separate
- 19 column or columns, or in a separate line or lines~~[, and in a manner so that the~~
- 20 ~~casting of a vote for all of the candidates of a political party will not operate to~~
- 21 ~~cast a vote for any candidate for a vacancy in the United States Senate].~~ The
- 22 words "Vote for one" shall be printed in the appropriate location;
- 23 (f) 1. No candidate shall be elected to fill a vacancy at any regular election
- 24 held under this subsection unless the candidate receives a majority of the
- 25 votes cast in the regular election;
- 26 2. If no candidate receives a majority of the votes cast, a runoff election
- 27 shall be held between the candidates receiving the two (2) highest

- 1 numbers of votes cast in the regular election;
- 2 3. If a runoff election is required as provided in this paragraph, it shall be
- 3 held seventy (70) days after the date of the regular election at which the
- 4 two (2) candidates were selected; and
- 5 4. The candidate receiving the highest number of votes cast in the runoff
- 6 election to fill the vacancy shall be the candidate elected to fill the
- 7 unexpired term of the office of United States Senator;
- 8 (g) If a vacancy occurs in the nomination of a candidate eligible for the special
- 9 election because of death, disqualification to hold the office sought, severe
- 10 disabling condition, or withdrawal, the remaining candidate or candidates
- 11 receiving the second highest number of votes shall be the second candidate or
- 12 candidates in the special election;
- 13 (h) The order of names on the ballot of the two (2) candidates to be voted for
- 14 under paragraph (f) of this subsection shall be determined by lot at a public
- 15 drawing to be held in the office of the Secretary of State at 2 p.m., prevailing
- 16 time, on the Thursday following the certification by the State Board of
- 17 Elections under KRS 118.425;
- 18 (i) After the order of names has been determined, the Secretary of State shall give
- 19 certification to the county clerks in accordance with paragraph (d) of this
- 20 subsection; and
- 21 (j) The successful candidate in the special election held for the purpose of filling
- 22 the unexpired term in the office of United States Senator shall take office
- 23 immediately as provided under subsection (9) of this section.
- 24 (3) If a vacancy occurs less than three (3) months before the regular election in any year
- 25 in which any regular election is held in this state, and if a regular election is
- 26 scheduled in the succeeding year, the vacancy shall be filled by appointment under
- 27 subsection (1) of this section, and the unexpired term shall be filled at the regular

1 election in the succeeding year.

2 (4) If a vacancy occurs less than three (3) months before the regular election in any year
3 in which any regular election is held in this state, but no regular election is
4 scheduled in the succeeding year, or if a vacancy occurs during any year in which no
5 regular election is scheduled, the Governor shall issue a writ of election. The writ of
6 election shall:

7 (a) Be signed by the Governor;

8 (b) Be issued within thirty (30) days of the occurrence of the vacancy;

9 (c) Set the date of the special election which shall be held no sooner than sixty
10 (60) days, and no later than ninety (90) days, following the issuance of the
11 writ; and

12 (d) Be directed to the sheriffs as required under KRS 118.740.

13 (5) (a) Candidates in any special election held under this section shall file petitions of
14 nomination no later than forty-nine (49) days before the date of the election.

15 (b) Petitions shall meet the requirements established under KRS 118.315, except:

16 1. The signatures of no more than one thousand (1,000) petitioners shall be
17 required;

18 2. The petition of nomination shall contain a selection where a candidate
19 shall designate whether the political party affiliation, or lack of
20 affiliation, shall be placed on the ballot with the name of the candidate;
21 and

22 3. The designation made under subparagraph 2. of this paragraph shall not
23 be changed following the filing of the nomination papers.

24 (c) All candidates qualifying for the election shall be placed on the same ballot
25 regardless of any candidate's political party affiliation, or lack of affiliation.

26 (d) The order of the names on the ballot for the candidates to be voted for shall be
27 determined by lot at a public drawing to be held in the office of the Secretary

1 of State at 2 p.m., prevailing time, no later than forty-seven (47) days before
2 the day of the election.

3 (e) After the order of names has been determined under paragraph (d) of this
4 subsection, the Secretary of State shall certify to the county clerks:

- 5 1. The name of each candidate; and
- 6 2. The party affiliation, or lack of affiliation, of the candidate if designated
7 for inclusion on the ballot as provided in paragraph (b) of this
8 subsection.

9 (6) (a) No candidate shall be elected to fill a vacancy at any special election held
10 under subsection (5) of this section unless the candidate receives a majority of
11 the votes cast in the special election.

12 (b) If no candidate receives a majority of the votes cast, a special runoff election
13 shall be held between the candidates receiving the two (2) highest numbers of
14 votes cast in the special election.

15 (c) If a special runoff election is required as provided in this subsection, it shall
16 be held forty-nine (49) days after the date of the special election.

17 (d) The candidate receiving the highest number of votes cast in the special runoff
18 election to fill the vacancy shall be the candidate elected to fill the unexpired
19 term of the office of United States Senator.

20 (7) Any special election or special runoff election held under this section shall proceed
21 in the manner prescribed in KRS 118.740 to 118.775, except as otherwise provided
22 in this section.

23 (8) After the returns for any election under this section have been canvassed and
24 certified by the State Board of Elections, the Governor shall certify the election of
25 the person elected in accordance with KRS 118.465.

26 (9) Any person elected to fill an unexpired term in the office of United States Senator
27 under this section shall take office immediately upon certification of the election

1 results by the State Board of Elections and administration of the oath of office.

2 (10) Notwithstanding any other statute to the contrary, if the unexpired term will end at
3 the next succeeding regular election, the office shall be filled by appointment in
4 accordance with subsection (1) of this section until the winner of the election takes
5 office in January.

6 (11) Notwithstanding the provisions of KRS 117.085 and any other statute to the
7 contrary, ballots for any special election or special runoff election under this section
8 shall be printed as soon as practicable following the certification by the Secretary of
9 State under KRS 118.225.

10 ➔Section 2. KRS 117.125 is amended to read as follows:

11 Except for voting equipment that has been certified and in use on or before June 29, 2021,
12 no voting system shall be approved for use after June 29, 2021, by the State Board of
13 Elections, either upon initial examination or reexamination, unless the system has been
14 certified under KRS 117.379 and is so constructed that it shall:

15 (1) Ensure secrecy to the voter in the act of voting so that no person can see or know for
16 whom any other voter has voted or is voting, except for those voters requiring
17 assistance under KRS 117.255;

18 (2) Permit votes to be cast for any candidate entitled to have his or her name printed
19 upon the ballots at any primary, regular election, or special election, and for or
20 against any public question entitled to be placed upon the ballots;

21 (3) **Prevent a voter from voting a straight ticket by one (1) or more marks or acts for**
22 **more than one (1) candidate or slate of candidates on a ballot who may be of the**
23 **same political party, political organization, political group, or independent**
24 **political affiliation.**~~Except at a primary, permit a voter to vote for all the candidates~~
25 ~~of one (1) party or for one (1) or more candidates of every party having candidates~~
26 ~~entitled to be voted for, or for one (1) or more independent, political organization,~~
27 ~~or political group candidates];~~

- 1 (4) Permit a voter to vote for as many persons for an office as the voter is lawfully
2 entitled to vote for, and no more;
- 3 (5) Prevent a voter from voting for more persons for any office than the voter is entitled
4 to vote for, and from voting for the same person, or for or against the same
5 question, more than once;
- 6 (6) Permit a voter to vote for or against any question the voter may have the right to
7 vote on, but no other;
- 8 (7) Provide for a nonpartisan ballot;
- 9 (8) Be capable of being adjusted for use in a primary so that a voter may not vote for
10 any person except those seeking nomination as candidates of the voter's party, as
11 candidates for a nonpartisan office, or as candidates for an office of the Court of
12 Justice;
- 13 (9) Permit each voter to vote for all the candidates for presidential electors of any party
14 by one (1) operation;
- 15 (10) Permit each voter to vote, in any regular or special election, for any person for
16 whom the voter desires to vote whose name does not appear upon the ballot by
17 providing a method of write-in voting;
- 18 (11) Be safe, efficient, and accurate in the conduct of elections, and correctly register and
19 accurately count all votes cast for each person, and for or against each public
20 question;
- 21 (12) (a) Provide each voter an opportunity to verify votes recorded on the permanent
22 paper ballot, either visually or using assistive voting technology, by producing
23 a voter-verified paper audit trail;
- 24 (b) Provide each voter an opportunity to change votes or correct any error before
25 the voter's ballot is cast and counted; and
- 26 (c) Provide a voter who spoils his or her ballot another ballot as provided under
27 this chapter;

- 1 (13) Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating
2 purposes;
- 3 (14) Preserve the paper ballot as an official record available for use in any audit or
4 recount;
- 5 (15) Be suitably designed for the purpose used, constructed of a durable material, and
6 safely transportable;
- 7 (16) Be capable of determining whether the voting equipment has been unlocked and
8 operated or adjusted in any manner after once being locked;
- 9 (17) Have a public counter with a register which is visible from the outside of the
10 counter or device that will show at all times during an election how many persons
11 have voted;
- 12 (18) Have a protective cumulative counter indicating the number of votes cast for each
13 person, and the votes cast for or against each public question which cannot be seen,
14 reset, or tampered with without unlocking a covering device by a key or other
15 security apparatus that cannot unlock any other part of the equipment, and which
16 prevents changes to the cumulative counter once the system has been put into
17 operation on the day of any election;
- 18 (19) Provide for the tabulating of votes at the precinct as required under KRS 117.275;
- 19 (20) Provide locks or other security apparatus by which the operation of the voting
20 equipment may be locked before the time for opening the polls and after the time
21 for closing the polls;
- 22 (21) Permit a voter to readily learn the method of operating it, to expeditiously cast a
23 vote for all candidates and on all questions of the voter's choice, and when operated
24 properly, register and record correctly and accurately every vote cast;
- 25 (22) Bear a number or other unique designation that will distinguish it from any other
26 voting equipment or voting system;
- 27 (23) Produce a real-time audit log record for the voting system, and produce a paper

1 record with a manual audit capacity which shall be available as an official record for
2 any recount conducted related to any primary or election in which the system is
3 used;

4 (24) Be accessible for individuals with impairments, including nonvisual accessibility
5 for the blind or visually impaired, in a manner that provides the same opportunity
6 for access and participation, including privacy and independence, as for other
7 voters;

8 (25) Meet or exceed the standards for a voting system established by the Election
9 Assistance Commission, as amended from time to time, and those approved under
10 KRS 117.379; and

11 (26) Meet such other requirements as may be established by the State Board of Elections
12 in administrative regulations promulgated under KRS Chapter 13A to reflect
13 changes in technology to ensure the integrity and security of voting systems.

14 ➔Section 3. KRS 118.025 is amended to read as follows:

15 (1) Except as otherwise provided by law, voting in all primaries and elections shall be
16 by secret paper ballot.

17 **(2) No ballot shall permit a voter to vote a straight ticket by one (1) or more marks or**
18 **acts for more than one (1) candidate or slate of candidates on a ballot who may**
19 **be of the same political party, political organization, political group, or**
20 **independent political affiliation.**

21 ~~(3)~~~~(2)~~ The general laws applying to primaries, regular elections, and special elections
22 shall apply to primaries, regular elections, and special elections conducted with the
23 use of voting equipment, and all provisions of the general laws applying to the
24 custody of ballot boxes shall apply, as far as applicable, to the custody of the voting
25 system or voting equipment.

26 ~~(4)~~~~(3)~~ A primary for the nomination of candidates to be voted for at the next regular
27 election shall be held on the first Tuesday after the third Monday in May of each

1 year.

2 ~~(5)~~~~(4)~~ The election of all officers of all governmental units shall be held on the first
3 Tuesday after the first Monday in November.

4 ~~(6)~~~~(5)~~ If the law authorizes the calling of a special election on a day other than the
5 day of the regular election in November, the election shall be held on a Tuesday.

6 ~~(7)~~~~(6)~~ If the law requires that a special election be held within a period of time
7 during which the voting equipment must be locked as required by KRS 117.295, the
8 special election shall be held on the fourth Tuesday following the expiration of the
9 period during which the voting equipment is locked.

10 ➔Section 4. KRS 118A.090 is amended to read as follows:

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

16 (2) Not later than the date set forth in KRS 118.215(1)(b) after the filing deadline for
17 the regular election in a year in which there is no election for President and Vice
18 President of the United States, or not later than the date set forth in KRS
19 118.215(1)(c) preceding a regular election in a year in which there is an election for
20 President and Vice President of the United States, and after the order of names on
21 the ballot has been determined as required in subsection (1) of this section, the
22 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 certified under KRS 118A.060; and

27 (b) Designate for the county clerks the office of the Court of Justice with which

1 the names of candidates shall be printed and the order in which they are to
2 appear on the ballot.

3 (3) The ballot position of a candidate shall not be changed after the ballot position has
4 been designated by the Secretary of State. The county clerks of each county shall
5 cause to be printed on the ballots for the regular elections the names of the
6 candidates for offices of the Court of Justice.

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

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

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

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

26 (2) If in a regular election for judicial office no candidates nominated as provided in
27 KRS 118A.060 are available due to death, incapacity, or withdrawal, and the

1 candidates have not been replaced as provided in KRS 118A.060, the election to fill
2 the regular term shall be conducted in the manner prescribed in subsections (3)
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 office of the Court of Justice with which
24 the names of candidates shall be printed and the order in which they are to
25 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, including
2 absentee ballots, for the regular election the names of the candidates for offices of
3 the Court of Justice.
- 4 (10) The names of the candidates shall be placed on the ballots in a separate column or
5 columns or in a separate line or lines and identified by the words "Judicial Ballot [~~]~~"
6 ~~and in a manner so that the casting of a vote for all of the candidates of a political~~
7 ~~party will not operate to cast a vote for judicial candidates]."~~ The words "Vote for
8 one" or "Vote for one in each division," shall be printed on the appropriate location.
9 The office, numbered division if divisions exist, and the candidates therefor shall be
10 clearly labeled. No party designation or emblem of any kind, nor any sign indicating
11 any candidate's political belief or party affiliation, shall be used on any ballot.
- 12 (11) The candidate receiving the highest number of votes cast at the regular election for a
13 district or circuit, or for a numbered division if divisions exist, shall be elected.
- 14 (12) A judge who elected to retire as a Senior Status Special Judge in accordance with
15 KRS 21.580 shall not become a candidate or a nominee for any elected office
16 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
17 number of days served by the judge acting as a Senior Status Special Judge.