

Beginning on page 8, line 17, and continuing through page 22, line 6, by deleting Sections 4, 5, and 6 in their entirety and by inserting in lieu thereof:

"→SECTION 4. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

- (1) (a) To ascertain whether the consolidated local government desires to switch from partisan to nonpartisan elections, or vice versa, for the office of the mayor and consolidated local government council, any five (5) qualified voters of the consolidated local government may commence petition proceedings by filing with the county clerk an affidavit.
  - (b) The affidavit shall state:
    - **<u>1.</u>** The five (5) qualified voters will be the members of the petition committee;
    - 2. The petition committee will be responsible for circulating the petition;
    - 3. The petition committee will file the petition in the proper form;

4. The names and addresses of the petition committee members;

- 5. The address to which all notices to the committee are to be sent; and
- 6. Whether or not the petition committee is willing to incur all of the expenses associated with electronic petition signatures. If the petition committee is not willing to incur all of the expenses, then electronic petition signatures shall

Amendment No. HFA	Rep. Rep. Sarah Stalker
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not be allowed for the petition.

(c) Upon receipt of the affidavit, the county clerk shall immediately:

- 1. Notify the petition committee of all statutory requirements for the filing of a valid petition under this section;
- 2. Notify the petition committee that the clerk will publish a notice identifying the public question regarding switching to partisan or nonpartisan elections as the case may be, and providing the names and addresses of the petition committee in a newspaper of general circulation within the county, if the petition committee remits an amount equal to the cost of publishing the notice determined in accordance with the provisions of KRS 424.160 at the time of the filing of the affidavit. If the petition committee elects to have the notice published, the clerk shall publish the notice within five (5) days of receipt of the affidavit; and
- 3. Deliver a copy of the affidavit to the mayor and consolidated local government council.
- (d) The petition shall be filed with the county clerk within one hundred eighty (180) days from the date of filing of the affidavit and shall meet the following requirements:
  - 1. All papers of the petition shall be substantially uniform in size and style and shall be assembled in one (1) instrument for filing;
  - 2. Each sheet of the petition may contain the names of voters from more than one (1) voting precinct;
  - 3. Each nonelectronic petition signature shall be executed in ink or indelible pencil;
  - 4. Each electronic petition signature shall comply with the requirements of the



Uniform Electronic Transactions Act, KRS 369.101 to 369.120;

- 5. Each electronic and nonelectronic petition signature shall be followed by the printed name, street address, Social Security number or birth month, and the name and number of the designated voting precinct of the person signing the petition; and
- 6. a. The petition shall be signed by a number of registered and qualified voters residing in the consolidated local government equal to at least ten percent (10%) of the total number of votes cast in the last preceding presidential election or thirty thousand (30,000) registered and qualified voters residing in the consolidated local government, whichever is less.
  - b. Electronic petition signatures shall be included in determining whether the required number of petition signatures has been obtained when the expenses associated with the electronic petition signatures have been incurred in accordance with paragraph (b)6. of this subsection, and the electronic petition signatures comply with the requirements of this section. The inclusion of an invalid electronic or nonelectronic petition signature on a page shall not invalidate the entire page of the petition, but shall instead result in the invalid petition signature being stricken and not counted.
- (e) The county clerk shall immediately notify the mayor and the consolidated local government council that the petition has been received and shall, within thirty (30) days of the receipt of the petition, make a determination of whether the petition contains enough signatures of qualified voters to place the question before the voters.
- (f) If the county clerk finds the petition to be sufficient, the clerk shall certify to the



petition committee, the mayor, and the consolidated local government council that the petition is properly presented and in compliance with the provisions of this section, and that the question will be placed before the voters for approval.

- (g) If the county clerk finds the petition to be insufficient, the clerk shall immediately notify, in writing, the petition committee, the mayor, and the consolidated local government council of the specific deficiencies found. Notification shall be sent by certified mail and shall be published at least one (1) time in a newspaper of general circulation within the county containing the consolidated local government.
- (h) A final determination of the sufficiency of a petition shall be subject to final review by the Circuit Court of the county containing the consolidated local government, and shall be limited to the validity of the county clerk's determination. Any petition challenging the county clerk's final determination shall be filed within ten (10) days of the issuance of the clerk's final determination.
- (2) If, not later than the second Tuesday in August preceding the day established for a regular election, having a certified petition in hand, the county clerk shall have prepared to place before the voters of the consolidated local government at the next regular election the question, which shall be "Are you in favor of changing the election of the office of the mayor and members of the consolidated local government council (Louisville Metro Council) from the present status of partisan elections to nonpartisan elections? Yes.... No....." The county clerk shall cause to be published in accordance with KRS Chapter 424 the full text of the proposal. The county clerk shall cause to be posted in each polling place one (1) copy of the full text of the proposal.
- (3) The provisions of general election law shall apply to public questions submitted to voters under this section. The certificate of the body authorized by law to canvass election returns shall be delivered to the mayor and the certificate shall be entered upon the



records of the consolidated local government at the next regular meeting of the consolidated local government council.

- (4) No election under this section shall be held in a consolidated local government more often than once in eight (8) years.
- (5) Any consolidated local government that has voted in favor of having nonpartisan elections of the office of mayor and consolidated local government council may return to partisan elections by following the same procedures as provided in subsections (1) to (4) of this section. The question to be submitted to the voters shall be in the following form: ''Are you in favor of changing the election of the office of the mayor and members of the consolidated local government council (Louisville Metro Council) from the present status of nonpartisan elections to partisan elections? Yes.... No.....''
- (6) The office of the mayor and consolidated local government council members shall be elected in the manner as determined by the election results of the question posed in this section at the next succeeding election where either the mayor or consolidated local government council members, or both as the case may be, are elected.

Section 5. KRS 67C.103 is amended to read as follows:  $\blacksquare$ 

- (1) The legislative authority of a consolidated local government, except as otherwise specified in KRS 67C.101 to 67C.137, shall be vested in a consolidated local government council. The members of the council shall be nominated and elected by district. There shall be only one (1) council member elected from each council district.
- (2) There shall be twenty-six (26) council districts. The initial boundaries, population, and numerical designation of the council districts shall be as specified by KRS 67C.135. The population of the council districts shall be as nearly equal as is reasonably possible. Any changes made to alter the boundaries of council districts shall be based on the population of the county as determined by the most recent United States Census or official census



estimates as provided by the United States Bureau of the Census.

- (3) Following the official publication of each decennial census by the United States Bureau of the Census for the area embraced by a consolidated local government, the council shall adopt an ordinance, if necessary, to redistrict the council districts. A redistricting ordinance shall provide for the distribution of population among the council districts as nearly equal as is reasonably possible. Every council district shall be compact and contiguous and shall respect existing neighborhood, community, and city boundaries whenever possible.
- (4) The consolidated local government council members shall serve for a term of four (4) years beginning on the first Monday in January following their election, except that the initial election of council members shall be in a manner as to provide for staggered terms for council members. At the initial election of the members of a consolidated local government council, those representing even-numbered districts shall be elected for a two (2) year term. Those representing odd-numbered districts shall be elected for a four (4) year term. Thereafter, all council members shall be elected for four (4) year terms.
- (5) The members of a consolidated local government council shall be nominated and elected from the district in which they reside in partisan <u>or nonpartisan</u> elections <u>depending upon</u> <u>the results of any vote executed pursuant to Section 4 of this Act</u>. After the initial terms of office of the first elected council members, council members shall be elected in the same election years as other local government officials as regulated by the regular election laws of the Commonwealth and as provided in subsection (4) of this section.
- (6) No person shall be eligible to serve as a member of a consolidated local government council unless he or she is at least eighteen (18) years old, a qualified voter, and a resident within the territory of the consolidated local government and the district that he or she seeks to represent for at least one (1) year immediately prior to the person's election. A council member shall continue to reside within the district from which he or she was



elected throughout the term of office.

- (7) The presiding officer of a consolidated local government council shall be a president who shall be chosen annually by a majority vote of the entire council from among its members at the first meeting of the council in January. The council president has the right to introduce any resolution or recommend any ordinance and shall be entitled to vote on all matters.
- (8) The consolidated local government council shall upon notice meet within seven (7) days after its members have taken office, and shall thereafter hold at least one (1) regular meeting per month. No newspaper notice shall be required for regular or special meetings of the consolidated local government council. However, notice of all meetings of the council and all meetings of committees of the council shall be held pursuant to KRS 61.805 to 61.850.
- (9) A majority of the members of the consolidated local government council shall constitute a quorum, but a smaller number may adjourn from day to day. The consolidated local government council may enforce the attendance of members by rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the entire membership of the council may call a special meeting at any time. Meetings shall be held in such places in the county as are provided by ordinance, and the place of meetings shall not be changed except by an ordinance for which two-thirds (2/3) of the members of the consolidated local government council have voted.
- (10) The council shall determine its own rules and order of business, and keep and provide a public record of its proceedings. The council shall provide for the publication of all ordinances in a composite code of ordinances.
- (11) Council ordinances that prescribe penalties for their violation shall be enforced through the entire area of the consolidated local government unless:



- (a) Otherwise provided by statute; or
- (b) The legislative body of any city within the consolidated local government area has adopted an ordinance pertaining to the same subject matter that is the same as or more stringent than the standards set forth in the consolidated local government's ordinance.
- (12) (a) In the case of a vacancy on the consolidated local government council by reason of death, resignation, or removal, <u>a nonpartisan or partisan[an]</u> election, <u>depending</u> <u>upon the results of any vote executed pursuant to Section 4 of this Act</u>, shall be held to fill the unexpired term, unless paragraph (c) of this subsection applies. The county clerk shall be responsible for administering the election. The election shall proceed as follows:
  - 1. The presiding officer of the council shall declare the position vacant and issue a writ of election within twenty-four (24) hours of the occurrence of the vacancy;
  - 2. The writ shall be signed by the presiding officer, shall designate the day for holding the election, and shall be delivered to the sheriff;
  - 3. Candidates for the unexpired term shall file petitions of nomination with the county clerk not later than ten (10) days following the declaration of vacancy. The election shall be held sixty (60) days after the declaration of vacancy on the next Tuesday which is not a federal holiday under 5 U.S.C. sec. 6103(a), unless paragraph (b) of this subsection applies. The petition for nomination shall contain the signatures of two (2) registered voters of the council district and shall meet the requirements of KRS 118.315(2);
  - 4. <u>If the consolidated local government conducts partisan elections of the</u> <u>consolidated local government council, and</u> if the candidate is a registered member of a political party, as defined by KRS 118.551, the candidate shall be



designated as such on the election ballot. If the candidate is not a registered member of a political party, as defined by KRS 118.551, the candidate shall be designated as "independent" on the election ballot, or may choose to be designated as a member of another political organization on the ballot, if such political organization is indicated on the candidate's petition for nomination; and

- 5. The successful candidate elected to fill an unexpired term in the office of consolidated local government council member shall take office immediately upon certification of the election results and administration of the oath of office.
- (b) If the unexpired term will not end on the first Monday in January following the next regular election, and if less than three (3) months intervene before that regular election, the unexpired term shall be filled on the date set for the regular election. Candidates for full terms shall be grouped together, and candidates for unexpired terms shall be grouped together, under appropriate headings, so that the voter may easily distinguish the candidates for full terms from the candidates for unexpired terms.
- (c) If the unexpired term will end on the first Monday in January following the next regular election, and if less than three (3) months intervene before that regular election, the presiding officer of the council shall appoint a qualified person to fill the vacancy and serve the remainder of the term.
- (d) <u>If the consolidated local government conducts partisan elections of the</u> <u>consolidated local government council</u>, votes cast pursuant to KRS 117.125(3) shall not be counted for, or assigned to, any candidate in an election to fill a vacancy on the council, even if that candidate is the only designee of a political party or organization nominated in an election to fill a vacancy on the council.



- (e) The order of the names on the ballot for the candidates shall be determined by lot at a public drawing to be held in the office of the county clerk at 4 p.m., standard time, ten (10) days following the declaration of vacancy.
- (13) All legislative powers of a consolidated local government are vested in the consolidated local government council. The term "legislative power" is to be construed broadly and shall include the power to:
  - (a) Enact ordinances, orders, and resolutions, and override a veto of the mayor by a twothirds (2/3) majority of the membership of the legislative council;
  - (b) Review the budgets of and appropriate money to the consolidated local government;
  - (c) Adopt a budget ordinance;
  - (d) Levy taxes, subject to the limitations of the Constitution and the laws of the Commonwealth of Kentucky;
  - (e) Establish standing and temporary committees; and
  - (f) Make independent audits and investigations concerning the affairs of the consolidated local government and any board or commission that:
    - 1. Is composed of members who are appointed by the mayor and approved by the legislative council; or
    - 2. Has a budget that is equal to or greater than one million dollars (\$1,000,000.00), except that this subparagraph shall not apply to any fee officer elected within the consolidated local government.
- (14) (a) The consolidated local government council shall establish a Government Oversight and Audit Committee. This committee shall be:
  - 1. Composed of members from each of the two (2) largest political caucuses in the legislative council;
  - 2. Appointed by the chairs of their respective caucuses; and



- 3. Composed on the basis of the proportion of each of the two (2) caucuses' total membership as compared to the total membership of the legislative council. Any fractional proportions shall be rounded in the favor of the smallest caucus' membership on the committee.
- (b) The committee shall have the power to:
  - 1. Compel testimony and the submission of work papers or documents;
  - 2. Issue subpoenas to compel any officer, appointee, or former officer or appointee to a board or commission described in subsection (13)(f) of this section or any department or division of the consolidated local government to appear before the committee and to compel the submission to the committee of any work papers or documents pertinent to an independent audit or investigation. Any subpoenas issued or testimony compelled shall be subject to any relevant statutes concerning privacy. Testimony subject to KRS 61.810 shall only be taken in executive session. The right to privacy or the requirement that testimony be taken in executive session may be waived by the person or entity being subpoenaed or compelled to testify;
  - Petition the appropriate Circuit Court to compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the Circuit Court or a refusal to testify therein, if any officer or appointee fails or refuses to testify or furnish the work papers or documents subpoenaed;
  - 4. Administer oaths to witnesses appearing before the committee when the committee deems the administration of an oath necessary and advisable as provided by law. This decision to administer oaths shall be taken by a majority vote of the committee of the legislative council; and
  - 5. Recommend the removal of any appointee to a board or commission described



in subsection (13)(f) of this section.

- (c) The legislative council of the consolidated local government shall adopt by resolution any process or procedures deemed necessary for the administration of subpoenas and oaths.
- (d) The legislative council of the consolidated local government may only act to remove an appointee to a board or commission described in subsection (13)(f) of this section upon the recommendation of the Government Oversight and Audit Committee.
- (e) The Government Oversight and Audit Committee shall have the power to issue subpoenas or administer oaths. Except as provided in KRS 65.003(7), the legislative council of the consolidated local government shall not delegate those powers to any other entity or entities not a part of the legislative council of the consolidated local government.

→ Section 6. KRS 67C.105 is amended to read as follows:

- (1) All executive and administrative power of the government shall be vested in the office of the mayor. The term "executive and administrative power" shall be construed broadly. The mayor shall be the chief executive of a consolidated local government formed under the provisions of KRS 67C.101 to 67C.137.
- (2) (a) The mayor shall be nominated and elected in partisan <u>or nonpartisan</u> elections, <u>depending upon the results of any vote executed pursuant to Section 4 of this Act</u>, for a term of four (4) years in the same election years as other local government officials as regulated by the regular election laws of the Commonwealth.



- (b) The mayor shall assume office on the first Monday in January following his or her election. He or she shall serve until a successor qualifies.
- (c) After January 1, 2023, the mayor may serve for no more than two (2) consecutive terms, after which time he or she shall be prohibited from running for election or being appointed as mayor for a period of at least four (4) years.
- (3) The mayor shall be at least twenty-one (21) years old, a qualified voter, a member of his or her political party *if the consolidated local government conducts partisan elections for the* <u>office of mayor</u>, and a resident of the territory encompassing the consolidated local government for a period of at least one (1) year prior to his or her election as mayor. The mayor shall continue to reside within the geographic boundary of the consolidated local government throughout his or her term of office.
- (4) Except as otherwise provided in KRS 67C.101 to 67C.137, the mayor shall have all the power and authority that the mayor of the city of the first class and the county judge/executive exercised under the Constitution and the general laws of the Commonwealth of Kentucky prior to the consolidation.
- (5) The mayor is authorized to supervise, administer, and control all departments and agencies as may be created by KRS 67C.101 to 67C.137 or created by ordinance. The mayor shall appoint all department and agency directors. The appointees shall serve at the pleasure of the mayor. Specifically, the mayor shall:
  - (a) Prepare and submit an annual report coinciding with the fiscal year, on the state of the consolidated local government, to be presented at a public meeting of the council;
  - (b) Submit an annual budget no fewer than sixty (60) days prior to the end of the fiscal year;
  - (c) Oversee the administration and implementation of the adopted budget ordinance;
  - (d) Enforce the ordinances of the consolidated local government;



- (e) Supervise all officers, agents, employees, cabinets, departments, offices, agencies, functions, and duties of the consolidated local government;
- (f) Call special meetings of the consolidated local government council;
- (g) Appoint and remove his or her own staff at his or her own pleasure;
- (h) Execute written contracts, subscriptions, agreements, or obligations of the consolidated local government;
- (i) Approve or veto ordinances and resolutions adopted by the consolidated local government council;
- (j) Submit any written contracts, subscriptions, agreements, or obligations exceeding the small purchase amount established pursuant to KRS 45A.385 in a resolution to the legislative council for its approval or its disapproval. Those written contracts, subscriptions, agreements, or obligations awarded to the lowest evaluated bid or proposal pursuant to KRS 45A.343 to 45A.460 shall be excluded, unless the legislative council changes the threshold for submission of a resolution. The legislative council may, by ordinance, set threshold amounts other than those established by KRS 45A.385 for the small purchases for submission of a resolution for its approval or disapproval; and
- (k) Appoint a deputy mayor within seven (7) days of the mayor taking the oath of office and keep the office of deputy mayor filled throughout the mayor's term. The deputy mayor shall:
  - Meet all the qualifications for mayor established pursuant to subsection (3) of this section;
  - 2. Serve at the mayor's pleasure and may be replaced by the mayor for any cause; and
  - 3. Have only the duties assigned to him or her by the mayor.



- (6) (a) If the office of mayor becomes vacant by reason of death, resignation, or removal:
  - 1. The deputy mayor shall become the temporary mayor, inheriting all powers and duties of the mayor;
  - 2. The deputy mayor shall serve as temporary mayor for no more than thirty (30) days until the council, by a majority vote of the members of the council, shall elect a resident of the consolidated local government who meets the qualifications for mayor established pursuant to subsection (3) of this section to serve as mayor. The council may select the temporary mayor for this position. If the legislative council fails to elect a person to fill the vacancy within thirty (30) days after the vacancy occurs, the Governor shall fill the vacancy in the office by appointment of a qualified person who is a resident of the consolidated local government and meets the qualifications for mayor established pursuant to subsection (3) of this section; and
  - The tenure of the gubernatorial appointment shall be governed by Section 152 of the Kentucky Constitution.
  - (b) If the offices of both the mayor and deputy mayor become vacant by reason of death, resignation, or removal:
    - 1. The presiding officer of the consolidated local government council shall become the temporary mayor, inheriting all powers and duties of the mayor;
    - 2. The presiding officer shall serve as temporary mayor for no more than thirty (30) days until the council shall, by a majority vote of the members of the council, elect a resident of the consolidated local government who meets the qualifications for mayor established pursuant to subsection (3) of this section. The council may select the temporary mayor for this position. If the legislative council fails to elect a person to fill the vacancy within thirty (30) days after the



vacancy occurs, the Governor shall fill the vacancy in the office by appointment of a qualified person who is a resident of the consolidated local government and meets the qualifications for mayor established pursuant to subsection (3) of this section; and

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

→ Section 7. KRS 117.125 is amended to read as follows:

No voting system or voting equipment shall be approved for use after January 1, 2024, by the State Board of Elections, either upon initial examination or reexamination, and no voting equipment or voting system shall be purchased after July 14, 2022, unless the system and equipment has been certified under KRS 117.379 and is so constructed that it shall:

- Ensure secrecy to the voter in the act of voting so that no person can see or know for whom any other voter has voted or is voting, except for those voters requiring assistance under KRS 117.255;
- (2) Permit votes to be cast for any candidate entitled to have his or her name printed upon the ballots at any primary, regular election, or special election, and for or against any public question entitled to be placed upon the ballots;
- (3) Except at a primary or at a special election held under KRS 67C.103(12) <u>when a</u> <u>consolidated local government conducts partisan elections of the mayor and consolidated</u> <u>local government council members</u>, permit a voter to vote for all the candidates of one (1) party or for one (1) or more candidates of every party having candidates entitled to be



voted for, or for one (1) or more independent, political organization, or political group candidates;

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

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



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

- (24) Be accessible for individuals with impairments, including nonvisual accessibility for the blind or visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters;
- (25) Prohibit voting equipment that tabulates or aggregates votes used in official results from connecting to any network, including the internet, or communicating with any device external to the voting system;
- (26) Meet or exceed the standards for a voting system established by the Election Assistance Commission, as amended from time to time, and those approved under KRS 117.379; and
- (27) Meet such other requirements as may be established by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A to reflect changes in technology to ensure the integrity and security of voting systems."; and By renumbering subsequent sections accordingly; and On page 26, by deleting line 8 in its entirety; and By renumbering the subsequent section accordingly; and

On page 26, line 11, by deleting "Section 8" and inserting "Section 9" in lieu thereof.