

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.  
19 The certificate of appointment shall be countersigned by the Secretary of  
20 State.
- 21 (2) If a vacancy occurs more than three (3) months before the election in any year in  
22 which any regular election is held in this state, the remainder of the unexpired term  
23 shall be filled as follows:
- 24 (a) Candidates for the unexpired term shall file petitions of nomination no later  
25 than the fourth Tuesday in August before the date of the scheduled regular  
26 election;
- 27 (b) Petitions shall meet the requirements established under KRS 118.315, except:

- 1           1.    The signatures of no more than one thousand (1,000) petitioners shall be  
2                    required;
- 3           2.    The petition of nomination shall contain a selection where a candidate  
4                    shall designate whether the political party affiliation, or lack of  
5                    affiliation, shall be placed on the ballot with the name of the candidate;  
6                    and
- 7           3.    The designation made under subparagraph 2. of this paragraph shall not  
8                    be changed following the filing of the nomination papers;
- 9           (c)   The order of the names on the ballot for the candidates to be voted for shall be  
10                   determined by lot at a public drawing to be held in the office of the Secretary  
11                   of State at 2 p.m., prevailing time, on the Thursday following the last Tuesday  
12                   in August;
- 13           (d)   After the order of names has been determined under paragraph (c) of this  
14                   subsection, the Secretary of State shall certify to the county clerks:
  - 15                   1.    The name of each candidate; and
  - 16                   2.    The party affiliation, or lack of affiliation, of the candidate if designated  
17                    for inclusion on the ballot as provided in paragraph (b) of this  
18                    subsection;
- 19           (e)   All candidates qualifying to be placed on the ballot shall be listed in a separate  
20                   column or columns, or in a separate line or lines~~[-, and in a manner so that the~~  
21                   ~~casting of a vote for all of the candidates of a political party will not operate to~~  
22                   ~~cast a vote for any candidate for a vacancy in the United States Senate].~~ The  
23                   words "Vote for one" shall be printed in the appropriate location;
- 24           (f)   1.    No candidate shall be elected to fill a vacancy at any regular election  
25                   held under this subsection unless the candidate receives a majority of the  
26                   votes cast in the regular election;
- 27                   2.    If no candidate receives a majority of the votes cast, a runoff election

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

1 subsection (1) of this section, and the unexpired term shall be filled at the regular  
2 election in the succeeding year.

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

8 (a) Be signed by the Governor;

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

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

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

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

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

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

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

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

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

27 (d) The order of the names on the ballot for the candidates to be voted for shall be

- 1           determined by lot at a public drawing to be held in the office of the Secretary  
2           of State at 2 p.m., prevailing time, no later than forty-seven (47) days before  
3           the day of the election.
- 4           (e) After the order of names has been determined under paragraph (d) of this  
5           subsection, the Secretary of State shall certify to the county clerks:
- 6                 1. The name of each candidate; and  
7                 2. The party affiliation, or lack of affiliation, of the candidate if designated  
8                 for inclusion on the ballot as provided in paragraph (b) of this  
9                 subsection.
- 10          (6) (a) No candidate shall be elected to fill a vacancy at any special election held  
11                 under subsection (5) of this section unless the candidate receives a majority of  
12                 the votes cast in the special election.
- 13          (b) If no candidate receives a majority of the votes cast, a special runoff election  
14                 shall be held between the candidates receiving the two (2) highest numbers of  
15                 votes cast in the special election.
- 16          (c) If a special runoff election is required as provided in this subsection, it shall  
17                 be held forty-nine (49) days after the date of the special election.
- 18          (d) The candidate receiving the highest number of votes cast in the special runoff  
19                 election to fill the vacancy shall be the candidate elected to fill the unexpired  
20                 term of the office of United States Senator.
- 21          (7) Any special election or special runoff election held under this section shall proceed  
22                 in the manner prescribed in KRS 118.740 to 118.775, except as otherwise provided  
23                 in this section.
- 24          (8) After the returns for any election under this section have been canvassed and  
25                 certified by the State Board of Elections, the Governor shall certify the election of  
26                 the person elected in accordance with KRS 118.465.
- 27          (9) Any person elected to fill an unexpired term in the office of United States Senator

1 under this section shall take office immediately upon certification of the election  
2 results by the State Board of Elections and administration of the oath of office.

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

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

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

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

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

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

23 (3) *(a) Prevent a voter from voting for all the candidates of one (1) party or for one*  
24 *(1) or more candidates of every party having candidates entitled to be voted*  
25 *for, or for one (1) or more independent, political organization, or political*  
26 *group candidates by making one (1) mark or selection on the ballot* Except  
27 ~~at a primary or at a special election held under KRS 67C.103(12), permit a~~

1 ~~voter to vote for all the candidates of one (1) party or for one (1) or more~~  
2 ~~candidates of every party having candidates entitled to be voted for, or for one~~  
3 ~~(1) or more independent, political organization, or political group candidates];~~

4 **and**

5 **(b) Require that each voter make a separate mark or selection on the ballot for**  
6 **each individual candidate he or she chooses;**

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

- 1 paper ballot, either visually or using assistive voting technology, by producing  
2 a voter-verified paper audit trail;
- 3 (b) Provide each voter an opportunity to change votes or correct any error before  
4 the voter's ballot is cast and counted; and
- 5 (c) Provide a voter who spoils his or her ballot another ballot as provided under  
6 this chapter;
- 7 (13) Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating  
8 purposes;
- 9 (14) Preserve the paper ballot as an official record available for use in any audit or  
10 recount;
- 11 (15) Be suitably designed for the purpose used, constructed of a durable material, and  
12 safely transportable;
- 13 (16) Be capable of determining whether the voting equipment has been unlocked and  
14 operated or adjusted in any manner after once being locked;
- 15 (17) Have a public counter with a register which is visible from the outside of the  
16 counter or device that will show at all times during an election how many persons  
17 have voted;
- 18 (18) Have a protective cumulative counter indicating the number of votes cast for each  
19 person, and the votes cast for or against each public question which cannot be seen,  
20 reset, or tampered with without unlocking a covering device by a key or other  
21 security apparatus that cannot unlock any other part of the equipment, and which  
22 prevents changes to the cumulative counter once the system has been put into  
23 operation on the day of any election;
- 24 (19) Provide for the tabulating of votes at the precinct as required under KRS 117.275;
- 25 (20) Provide locks or other security apparatus by which the operation of the voting  
26 equipment may be locked before the time for opening the polls and after the time  
27 for closing the polls;



- 1 (21) Permit a voter to readily learn the method of operating it, to expeditiously cast a  
2 vote for all candidates and on all questions of the voter's choice, and when operated  
3 properly, register and record correctly and accurately every vote cast;
- 4 (22) Bear a number or other unique designation that will distinguish it from any other  
5 voting equipment or voting system;
- 6 (23) Produce a real-time audit log record for the voting system, and produce a paper  
7 record with a manual audit capacity which shall be available as an official record  
8 for any recount conducted related to any primary or election in which the system is  
9 used;
- 10 (24) Be accessible for individuals with impairments, including nonvisual accessibility  
11 for the blind or visually impaired, in a manner that provides the same opportunity  
12 for access and participation, including privacy and independence, as for other  
13 voters;
- 14 (25) Prohibit voting equipment that tabulates or aggregates votes used in official results  
15 from connecting to any network, including the internet, or communicating with any  
16 device external to the voting system;
- 17 (26) Meet or exceed the standards for a voting system established by the Election  
18 Assistance Commission, as amended from time to time, and those approved under  
19 KRS 117.379; and
- 20 (27) Meet such other requirements as may be established by the State Board of Elections  
21 in administrative regulations promulgated under KRS Chapter 13A to reflect  
22 changes in technology to ensure the integrity and security of voting systems.

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

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

26 **(2) (a) A ballot shall not permit a voter to vote for all the candidates of one (1)**  
27 **party or for one (1) or more candidates of every party having candidates**

1                   entitled to be voted for, or for one (1) or more independent, political  
2                   organization, or political group candidates by making one (1) mark or  
3                   selection on the ballot.

4                   (b) The ballot shall require that each voter make a separate mark or selection  
5                   for each individual candidate he or she chooses.

6     ~~(3)~~~~(2)~~     The general laws applying to primaries, regular elections, and special  
7                   elections shall apply to primaries, regular elections, and special elections conducted  
8                   with the use of voting equipment, and all provisions of the general laws applying to  
9                   the custody of ballot boxes shall apply, as far as applicable, to the custody of the  
10                  voting system or voting equipment.

11    ~~(4)~~~~(3)~~     A primary for the nomination of candidates to be voted for at the next regular  
12                  election shall be held on the first Tuesday after the third Monday in May of each  
13                  year.

14    ~~(5)~~~~(4)~~     The election of all officers of all governmental units shall be held on the first  
15                  Tuesday after the first Monday in November.

16    ~~(6)~~~~(5)~~     If the law authorizes the calling of a special election on a day other than the  
17                  day of the regular election in November, the election shall be held on a Tuesday.

18    ~~(7)~~~~(6)~~     If the law requires that a special election be held within a period of time  
19                  during which the voting equipment must be locked as required by KRS 117.295, the  
20                  special election shall be held on the fourth Tuesday following the expiration of the  
21                  period during which the voting equipment is locked.

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

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

- 1 (2) Not later than the date set forth in KRS 118.215(1)(b) after the filing deadline for  
2 the regular election in a year in which there is no election for President and Vice  
3 President of the United States, or not later than the date set forth in KRS  
4 118.215(1)(c) preceding a regular election in a year in which there is an election for  
5 President and Vice President of the United States, and after the order of names on  
6 the ballot has been determined as required in subsection (1) of this section, the  
7 Secretary of State shall:
- 8 (a) Certify to the county clerks of the respective counties entitled to participate in  
9 the election of the various candidates, the name and place of residence of each  
10 candidate for each office, by district or circuit, and numbered division if  
11 divisions exist, as certified under KRS 118A.060; and
- 12 (b) Designate for the county clerks the office of the Court of Justice with which  
13 the names of candidates shall be printed and the order in which they are to  
14 appear on the ballot.
- 15 (3) The ballot position of a candidate shall not be changed after the ballot position has  
16 been designated by the Secretary of State. The county clerks of each county shall  
17 cause to be printed on the ballots for the regular elections the names of the  
18 candidates for offices of the Court of Justice.
- 19 (4) The names of the candidates shall be placed on the ballots in a separate column or  
20 columns or in a separate line or lines and identified by the words "Judicial Ballot~~,"~~  
21 ~~and in such a manner that the casting of a vote for all of the candidates of a political~~  
22 ~~party will not operate to cast a vote for judicial candidates]."~~ The words "Vote for  
23 one" or "Vote for one in each division," shall be printed on the ballot in an  
24 appropriate location. The office, numbered division thereof if divisions exist, and  
25 the candidates therefor shall be clearly labeled. No party designation or emblem of  
26 any kind, nor any sign indicating any candidate's political belief or party affiliation,  
27 shall be used on any ballot.

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

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

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

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

17 (3) Each candidate shall file a petition for nomination with the Secretary of State not  
18 earlier than the first Wednesday after the first Monday in November of the year  
19 preceding the year in which the election for the unexpired term will be held and not  
20 later than the first Tuesday after the first Monday in June preceding the day fixed  
21 by law for holding the regular election for the unexpired term, if the vacancy occurs  
22 prior to the first Tuesday following the first Monday in June. If the vacancy occurs  
23 after the first Tuesday following the first Monday in June, each candidate shall file  
24 a petition for nomination with the Secretary of State not later than the second  
25 Tuesday in August preceding the day fixed by law for holding the regular election  
26 for the unexpired term. The petition shall be sworn to by the candidate and by not  
27 less than two (2) registered voters from the district or circuit from which he or she

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

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

14 (5) The Secretary of State shall examine the petition of each candidate to determine  
15 whether it is regular on its face. If there is an error, the Secretary of State shall  
16 notify the candidate by certified mail within twenty-four (24) hours of filing.

17 (6) The order of names on the ballot for each district or circuit, and numbered division  
18 if divisions exist, shall be determined by lot at a public drawing to be held in the  
19 office of the Secretary of State at 2 p.m., standard time, on the Thursday following  
20 the first Tuesday after the first Monday in June preceding the regular election for  
21 those petitions for nomination required to be filed no later than the first Tuesday  
22 following the first Monday in June. For those petitions for nomination required to  
23 be filed no later than the second Tuesday in August, the order of names on the  
24 ballot for each district and circuit, and numbered division if divisions exist, shall be  
25 determined by lot at a public drawing to be held in the office of the Secretary of  
26 State at 2 p.m., standard time, on the Thursday following the second Tuesday in  
27 August preceding the regular election.

- 1 (7) Not later than the date set forth in KRS 118.215 and after the order of names on the  
2 ballot has been determined as required in subsection (6) of this section, the  
3 Secretary of State shall:
- 4 (a) Certify to the county clerks of the respective counties entitled to participate in  
5 the election of the various candidates, the name and place of residence of each  
6 candidate for each office, by district or circuit, and numbered division if  
7 divisions exist, as specified in the petitions for nomination filed with the  
8 Secretary of State; and
- 9 (b) Designate for the county clerks the office of the Court of Justice with which  
10 the names of candidates shall be printed and the order in which they are to  
11 appear on the ballot.
- 12 (8) The ballot position of a candidate shall not be changed after the ballot position has  
13 been designated by the county clerk.
- 14 (9) The county clerks of each county shall cause to be printed on the ballots, including  
15 absentee ballots, for the regular election the names of the candidates for offices of  
16 the Court of Justice.
- 17 (10) The names of the candidates shall be placed on the ballots in a separate column or  
18 columns or in a separate line or lines and identified by the words "Judicial Ballot,"  
19 ~~and in a manner so that the casting of a vote for all of the candidates of a political~~  
20 ~~party will not operate to cast a vote for judicial candidates].~~ The words "Vote for  
21 one" or "Vote for one in each division," shall be printed on the appropriate location.  
22 The office, numbered division if divisions exist, and the candidates therefor shall be  
23 clearly labeled. No party designation or emblem of any kind, nor any sign  
24 indicating any candidate's political belief or party affiliation, shall be used on any  
25 ballot.
- 26 (11) The candidate receiving the highest number of votes cast at the regular election for  
27 a district or circuit, or for a numbered division if divisions exist, shall be elected.

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

5 ➔Section 6. KRS 67C.103 is amended to read as follows:

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

11 (2) There shall be twenty-six (26) council districts. The initial boundaries, population,  
12 and numerical designation of the council districts shall be as specified by KRS  
13 67C.135. The population of the council districts shall be as nearly equal as is  
14 reasonably possible. Any changes made to alter the boundaries of council districts  
15 shall be based on the population of the county as determined by the most recent  
16 United States Census or official census estimates as provided by the United States  
17 Bureau of the Census.

18 (3) Following the official publication of each decennial census by the United States  
19 Bureau of the Census for the area embraced by a consolidated local government, the  
20 council shall adopt an ordinance, if necessary, to redistrict the council districts. A  
21 redistricting ordinance shall provide for the distribution of population among the  
22 council districts as nearly equal as is reasonably possible. Every council district  
23 shall be compact and contiguous and shall respect existing neighborhood,  
24 community, and city boundaries whenever possible.

25 (4) The consolidated local government council members shall serve for a term of four  
26 (4) years beginning on the first Monday in January following their election, except  
27 that the initial election of council members shall be in a manner as to provide for

1 staggered terms for council members. At the initial election of the members of a  
2 consolidated local government council, those representing even-numbered districts  
3 shall be elected for a two (2) year term. Those representing odd-numbered districts  
4 shall be elected for a four (4) year term. Thereafter, all council members shall be  
5 elected for four (4) year terms.

6 (5) The members of a consolidated local government council shall be nominated and  
7 elected from the district in which they reside in partisan elections. After the initial  
8 terms of office of the first elected council members, council members shall be  
9 elected in the same election years as other local government officials as regulated  
10 by the regular election laws of the Commonwealth and as provided in subsection  
11 (4) of this section.

12 (6) No person shall be eligible to serve as a member of a consolidated local government  
13 council unless he or she is at least eighteen (18) years old, a qualified voter, and a  
14 resident within the territory of the consolidated local government and the district  
15 that he or she seeks to represent for at least one (1) year immediately prior to the  
16 person's election. A council member shall continue to reside within the district from  
17 which he or she was elected throughout the term of office.

18 (7) The presiding officer of a consolidated local government council shall be a  
19 president who shall be chosen annually by a majority vote of the entire council from  
20 among its members at the first meeting of the council in January. The council  
21 president has the right to introduce any resolution or recommend any ordinance and  
22 shall be entitled to vote on all matters.

23 (8) The consolidated local government council shall upon notice meet within seven (7)  
24 days after its members have taken office, and shall thereafter hold at least one (1)  
25 regular meeting per month. No newspaper notice shall be required for regular or  
26 special meetings of the consolidated local government council. However, notice of  
27 all meetings of the council and all meetings of committees of the council shall be



1 held pursuant to KRS 61.805 to 61.850.

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

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

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

15 (a) Otherwise provided by statute; or

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

20 (12) (a) In the case of a vacancy on the consolidated local government council by  
21 reason of death, resignation, or removal, an election shall be held to fill the  
22 unexpired term, unless paragraph (c) of this subsection applies. The county  
23 clerk shall be responsible for administering the election. The election shall  
24 proceed as follows:

25 1. The presiding officer of the council shall declare the position vacant and  
26 issue a writ of election within twenty-four (24) hours of the occurrence  
27 of the vacancy;

- 1           2.    The writ shall be signed by the presiding officer, shall designate the day  
2                    for holding the election, and shall be delivered to the sheriff;
- 3           3.    Candidates for the unexpired term shall file petitions of nomination with  
4                    the county clerk not later than ten (10) days following the declaration of  
5                    vacancy. The election shall be held sixty (60) days after the declaration  
6                    of vacancy on the next Tuesday which is not a federal holiday under 5  
7                    U.S.C. sec. 6103(a), unless paragraph (b) of this subsection applies. The  
8                    petition for nomination shall contain the signatures of two (2) registered  
9                    voters of the council district and shall meet the requirements of KRS  
10                   118.315(2);
- 11          4.    If the candidate is a registered member of a political party, as defined by  
12                    KRS 118.551, the candidate shall be designated as such on the election  
13                    ballot. If the candidate is not a registered member of a political party, as  
14                    defined by KRS 118.551, the candidate shall be designated as  
15                    "independent" on the election ballot, or may choose to be designated as  
16                    a member of another political organization on the ballot, if such political  
17                    organization is indicated on the candidate's petition for nomination; and
- 18          5.    The successful candidate elected to fill an unexpired term in the office  
19                    of consolidated local government council member shall take office  
20                    immediately upon certification of the election results and administration  
21                    of the oath of office.
- 22          (b)  If the unexpired term will not end on the first Monday in January following  
23                    the next regular election, and if less than three (3) months intervene before  
24                    that regular election, the unexpired term shall be filled on the date set for the  
25                    regular election. Candidates for full terms shall be grouped together, and  
26                    candidates for unexpired terms shall be grouped together, under appropriate  
27                    headings, so that the voter may easily distinguish the candidates for full terms

1 from the candidates for unexpired terms.

2 (c) If the unexpired term will end on the first Monday in January following the  
3 next regular election, and if less than three (3) months intervene before that  
4 regular election, the presiding officer of the council shall appoint a qualified  
5 person to fill the vacancy and serve the remainder of the term.

6 (d) ~~[Votes cast pursuant to KRS 117.125(3) shall not be counted for, or assigned~~  
7 ~~to, any candidate in an election to fill a vacancy on the council, even if that~~  
8 ~~candidate is the only designee of a political party or organization nominated in~~  
9 ~~an election to fill a vacancy on the council.~~

10 (e) ~~]~~The order of the names on the ballot for the candidates shall be determined  
11 by lot at a public drawing to be held in the office of the county clerk at 4 p.m.,  
12 standard time, ten (10) days following the declaration of vacancy.

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

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

18 (b) Review the budgets of and appropriate money to the consolidated local  
19 government;

20 (c) Adopt a budget ordinance;

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

23 (e) Establish standing and temporary committees; and

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

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

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

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

- 6           1. Composed of members from each of the two (2) largest political  
7           caucuses in the legislative council;  
8           2. Appointed by the chairs of their respective caucuses; and  
9           3. Composed on the basis of the proportion of each of the two (2) caucuses'  
10          total membership as compared to the total membership of the legislative  
11          council. Any fractional proportions shall be rounded in the favor of the  
12          smallest caucus' membership on the committee.

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

- 14          1. Compel testimony and the submission of work papers or documents;  
15          2. Issue subpoenas to compel any officer, appointee, or former officer or  
16          appointee to a board or commission described in subsection (13)(f) of  
17          this section or any department or division of the consolidated local  
18          government to appear before the committee and to compel the  
19          submission to the committee of any work papers or documents pertinent  
20          to an independent audit or investigation. Any subpoenas issued or  
21          testimony compelled shall be subject to any relevant statutes concerning  
22          privacy. Testimony subject to KRS 61.810 shall only be taken in  
23          executive session. The right to privacy or the requirement that testimony  
24          be taken in executive session may be waived by the person or entity  
25          being subpoenaed or compelled to testify;  
26          3. Petition the appropriate Circuit Court to compel obedience by  
27          proceedings for contempt as in the case of disobedience of a subpoena

1 issued from the Circuit Court or a refusal to testify therein, if any officer  
2 or appointee fails or refuses to testify or furnish the work papers or  
3 documents subpoenaed;

4 4. Administer oaths to witnesses appearing before the committee when the  
5 committee deems the administration of an oath necessary and advisable  
6 as provided by law. This decision to administer oaths shall be taken by a  
7 majority vote of the committee of the legislative council; and

8 5. Recommend the removal of any appointee to a board or commission  
9 described in subsection (13)(f) of this section.

10 (c) The legislative council of the consolidated local government shall adopt by  
11 resolution any process or procedures deemed necessary for the administration  
12 of subpoenas and oaths.

13 (d) The legislative council of the consolidated local government may only act to  
14 remove an appointee to a board or commission described in subsection (13)(f)  
15 of this section upon the recommendation of the Government Oversight and  
16 Audit Committee.

17 (e) The Government Oversight and Audit Committee shall have the power to  
18 issue subpoenas or administer oaths. Except as provided in KRS 65.003(7),  
19 the legislative council of the consolidated local government shall not delegate  
20 those powers to any other entity or entities not a part of the legislative council  
21 of the consolidated local government.

22 (15) The consolidated local government council shall be known as the legislative council  
23 of ...../..... County Metro Government, which shall be a  
24 combination of the names of the largest city in existence in the county on the date  
25 of the adoption of the consolidated local government and the county.