

1 AN ACT relating to vacancies in office.

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

3 ➔Section 1. KRS 67C.103 is amended to read as follows:

- 4 (1) The legislative authority of a consolidated local government, except as otherwise
5 specified in KRS 67C.101 to 67C.137, shall be vested in a consolidated local
6 government council. The members of the council shall be nominated and elected by
7 district. There shall be only one (1) council member elected from each council
8 district.
- 9 (2) There shall be twenty-six (26) council districts. The initial boundaries, population,
10 and numerical designation of the council districts shall be as specified by KRS
11 67C.135. The population of the council districts shall be as nearly equal as is
12 reasonably possible. Any changes made to alter the boundaries of council districts
13 shall be based on the population of the county as determined by the most recent
14 United States Census or official census estimates as provided by the United States
15 Bureau of the Census.
- 16 (3) Following the official publication of each decennial census by the United States
17 Bureau of the Census for the area embraced by a consolidated local government, the
18 council shall adopt an ordinance, if necessary, to redistrict the council districts. A
19 redistricting ordinance shall provide for the distribution of population among the
20 council districts as nearly equal as is reasonably possible. Every council district
21 shall be compact and contiguous and shall respect existing neighborhood,
22 community, and city boundaries whenever possible.
- 23 (4) The consolidated local government council members shall serve for a term of four
24 (4) years beginning on the first Monday in January following their election, except
25 that the initial election of council members shall be in a manner as to provide for
26 staggered terms for council members. At the initial election of the members of a
27 consolidated local government council, those representing even-numbered districts

1 shall be elected for a two (2) year term. Those representing odd-numbered districts
2 shall be elected for a four (4) year term. Thereafter, all council members shall be
3 elected for four (4) year terms.

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

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

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

21 (8) The consolidated local government council shall upon notice meet within seven (7)
22 days after its members have taken office, and shall thereafter hold at least one (1)
23 regular meeting per month. No newspaper notice shall be required for regular or
24 special meetings of the consolidated local government council. However, notice of
25 all meetings of the council and all meetings of committees of the council shall be
26 held pursuant to KRS 61.805 to 61.850.

27 (9) A majority of the members of the consolidated local government council shall

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

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

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

13 (a) Otherwise provided by statute; or

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

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

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

26 2. The writ shall be signed by the presiding officer, shall designate the day
27 for holding the election, and shall be delivered to the sheriff;

- 1 3. Candidates for the unexpired term shall file petitions of nomination with
2 the county clerk not later than ten (10) days following the declaration of
3 vacancy. The election shall be held sixty (60) days after the declaration
4 of vacancy on the next Tuesday which is not a federal holiday under 5
5 U.S.C. sec. 6103(a), unless paragraph (b) of this subsection applies. The
6 petition for nomination shall contain the signatures of two (2) registered
7 voters of the council district and shall meet the requirements of KRS
8 118.315(2);
- 9 4. If the candidate is a registered member of a political party, as defined by
10 KRS 118.551, the candidate shall be designated as such on the election
11 ballot. If the candidate is not a registered member of a political party, as
12 defined by KRS 118.551, the candidate shall be designated as
13 "independent" on the election ballot, or may choose to be designated as
14 a member of another political organization on the ballot, if such political
15 organization is indicated on the candidate's petition for nomination;{
16 and}
- 17 5. **If no candidate receives fifty percent (50%) or more of the votes cast,**
18 **and the candidates receiving the two (2) highest numbers of votes cast**
19 **in the election are of:**
- 20 **a. Separate political parties, a runoff election shall be held between**
21 **those candidates. If a runoff is required as provided in this**
22 **subdivision, it shall be held forty-five (45) days after the date of**
23 **the special election, but it shall not be held on a weekend or on a**
24 **federal holiday under 5 U.S.C. sec. 6103(a); or**
- 25 **b. The same political party, the candidate receiving the highest**
26 **number of votes shall be elected to fill the vacancy; and**
- 27 **6.** The successful candidate elected to fill an unexpired term in the office

1 of consolidated local government council member shall take office
2 immediately upon certification of the election results and administration
3 of the oath of office.

4 (b) If the unexpired term will not end on the first Monday in January following
5 the next regular election, and if less than three (3) months intervene before
6 that regular election, the unexpired term shall be filled on the date set for the
7 regular election. Candidates for full terms shall be grouped together, and
8 candidates for unexpired terms shall be grouped together, under appropriate
9 headings, so that the voter may easily distinguish the candidates for full terms
10 from the candidates for unexpired terms.

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

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

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

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

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

27 (b) Review the budgets of and appropriate money to the consolidated local

1 government;

2 (c) Adopt a budget ordinance;

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

5 (e) Establish standing and temporary committees; and

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

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

10 2. Has a budget that is equal to or greater than one million dollars
11 (\$1,000,000.00), except that this subparagraph shall not apply to any fee
12 officer elected within the consolidated local government.

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

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

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

18 3. Composed on the basis of the proportion of each of the two (2) caucuses'
19 total membership as compared to the total membership of the legislative
20 council. Any fractional proportions shall be rounded in the favor of the
21 smallest caucus' membership on the committee.

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

23 1. Compel testimony and the submission of work papers or documents;

24 2. Issue subpoenas to compel any officer, appointee, or former officer or
25 appointee to a board or commission described in subsection (13)(f) of
26 this section or any department or division of the consolidated local
27 government to appear before the committee and to compel the

- 1 submission to the committee of any work papers or documents pertinent
2 to an independent audit or investigation. Any subpoenas issued or
3 testimony compelled shall be subject to any relevant statutes concerning
4 privacy. Testimony subject to KRS 61.810 shall only be taken in
5 executive session. The right to privacy or the requirement that testimony
6 be taken in executive session may be waived by the person or entity
7 being subpoenaed or compelled to testify;
- 8 3. Petition the appropriate Circuit Court to compel obedience by
9 proceedings for contempt as in the case of disobedience of a subpoena
10 issued from the Circuit Court or a refusal to testify therein, if any officer
11 or appointee fails or refuses to testify or furnish the work papers or
12 documents subpoenaed;
- 13 4. Administer oaths to witnesses appearing before the committee when the
14 committee deems the administration of an oath necessary and advisable
15 as provided by law. This decision to administer oaths shall be taken by a
16 majority vote of the committee of the legislative council; and
- 17 5. Recommend the removal of any appointee to a board or commission
18 described in subsection (13)(f) of this section.
- 19 (c) The legislative council of the consolidated local government shall adopt by
20 resolution any process or procedures deemed necessary for the administration
21 of subpoenas and oaths.
- 22 (d) The legislative council of the consolidated local government may only act to
23 remove an appointee to a board or commission described in subsection (13)(f)
24 of this section upon the recommendation of the Government Oversight and
25 Audit Committee.
- 26 (e) The Government Oversight and Audit Committee shall have the power to
27 issue subpoenas or administer oaths. Except as provided in KRS 65.003(7),

1 the legislative council of the consolidated local government shall not delegate
2 those powers to any other entity or entities not a part of the legislative council
3 of the consolidated local government.

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