

1 AN ACT relating to the Kentucky Board of Education.

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

3 ➔Section 1. KRS 156.029 is amended to read as follows:

4 (1) There is hereby established a Kentucky Board of Education, which shall consist of:

5 **(a) Fourteen (14) voting members elected in accordance with Section 2 of this**

6 **Act;** ~~eleven (11) voting members appointed by the Governor and confirmed~~  
7 ~~by the Senate of the General Assembly, with~~

8 **(b)** The president of the Council on Postsecondary Education and the secretary of  
9 the Education and Labor Cabinet serving as ex officio nonvoting members;~~;~~

10 and

11 **(c)** An active public elementary or secondary school teacher and a public high  
12 school student appointed by the board as described in subsection **(5)**~~(3)~~ of

13 this section serving as nonvoting members. ~~Seven (7) voting members shall~~  
14 ~~represent each of the Supreme Court districts as established by KRS 21A.010,~~

15 ~~and four (4) voting members shall represent the state at large. Each of the~~  
16 ~~voting members shall serve for a four (4) year term, except the initial~~

17 ~~appointments shall be as follows: the seven (7) members representing~~  
18 ~~Supreme Court districts shall serve a term which shall expire on April 14,~~

19 ~~1994; and the four (4) at large members shall serve a term which shall expire~~  
20 ~~on April 14, 1992. Subsequent appointments shall be submitted to the Senate~~

21 ~~for confirmation in accordance with KRS 11.160.]~~

22 (2) **An elected member may be removed only as provided in Section 4 of this**

23 **Act.**~~Appointments of the voting members shall be made without reference to~~  
24 ~~occupation. No voting member at the time of his or her appointment or during the~~

25 ~~term of his or her service shall be engaged as a professional educator. Beginning~~  
26 ~~with voting members appointed on or after June 29, 2021, appointments to the~~

27 ~~group of members representing Supreme Court districts and to the group of at large~~

1 members, respectively, shall reflect equal representation of the two (2) sexes;  
2 inasmuch as possible; reflect no less than proportional representation of the two (2)  
3 leading political parties of the Commonwealth based on the state's voter registration  
4 and the political affiliation of each appointee as of December 31 of the year  
5 preceding the date of his or her appointment; and reflect the minority racial  
6 composition of the Commonwealth based on the total minority racial population  
7 using the most recent census or estimate data from the United States Census  
8 Bureau. If the determination of proportional minority representation does not result  
9 in a whole number of minority members, it shall be rounded up to the next whole  
10 number. A particular political affiliation shall not be a prerequisite to appointment  
11 to the board generally; however, if any person is appointed to the board that does  
12 not represent either of the two (2) leading political parties of the Commonwealth,  
13 the proportional representation by political affiliation requirement shall be  
14 determined and satisfied based on the total number of members on the board less  
15 any members not affiliated with either of the two (2) leading political parties.  
16 Pursuant to KRS 63.080, a member shall not be removed except for cause or,  
17 beginning with voting members appointed on or after June 29, 2021, in accordance  
18 with KRS 63.080(3).]

19 **(3)** Notwithstanding KRS 12.028, the board shall not be subject to reorganization by  
20 the Governor.

21 ~~(4)~~<sup>(3)</sup> Ex officio and other nonvoting members shall not be represented by proxy at  
22 any meeting of the board.

23 ~~(5)~~<sup>(4)</sup> The nonvoting teacher and student members shall be selected by the board  
24 from the state's six (6) congressional districts on a rotating basis from different  
25 districts. The public high school student shall be classified as a junior at the time of  
26 appointment. The teacher and student members shall serve for a one (1) year term[,  
27 except the initial appointments shall serve a term which shall expire on April 14,

1       ~~2022~~. The board shall promulgate an administrative regulation establishing the  
2       process for selecting the nonvoting teacher and student members.

3       ~~(6)~~~~(5)~~ A vacancy in the voting membership of the board shall be filled *in*  
4       *accordance with Section 152 of the Constitution of Kentucky*~~[by the Governor for~~  
5       ~~the unexpired term with the consent of the Senate. In the event that the General~~  
6       ~~Assembly is not in session at the time of the appointment, the consent of the Senate~~  
7       ~~shall be obtained during the time the General Assembly next convenes].~~

8       ~~(7)~~~~(6)~~ At the first regular meeting of the board in each fiscal year, a chairperson  
9       shall be elected from its voting membership.

10      ~~(8)~~~~(7)~~ The members shall be reimbursed for actual and necessary expenses incurred  
11      in the performance of their duties *and shall be compensated one hundred dollars*  
12      *(\$100) per board meeting attended.*

13      ~~(9)~~~~(8)~~ The commissioner of education shall serve as the executive secretary to the  
14      board *and shall not be a member; however, in cases of a vote taken by the board*  
15      *that would otherwise result in a tie, the commissioner may cast a determinative*  
16      *vote.*

17      ~~(10)~~~~(9)~~ The primary function of the board shall be to develop and adopt policies and  
18      administrative regulations, with the advice of the Local Superintendents Advisory  
19      Council, by which the Department of Education shall be governed in planning,  
20      coordinating, administering, supervising, operating, and evaluating the educational  
21      programs, services, and activities within the Department of Education which are  
22      within the jurisdiction of the board.

23      ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO  
24      READ AS FOLLOWS:

25      *(1) Two (2) members of the Kentucky Board of Education shall be elected from each*  
26      *of the seven (7) Supreme Court districts established in KRS 21A.010.*

27      *(2) In each Supreme Court district, there shall be two (2) numbered divisions for the*

1 purpose of electing board members, and each numbered division shall be voted  
 2 upon and tallied separately. Each member shall be elected at large from the entire  
 3 district.

4 (3) Board members shall serve for a term of four (4) years beginning on the first  
 5 Monday in January following their election, except that members elected at the  
 6 election in November 2026 shall serve initial terms as follows:

7 (a) Board members representing Division 1 of each Supreme Court district  
 8 shall be elected for a two (2) year term; and

9 (b) Board members representing Division 2 of each Supreme Court district  
 10 shall be elected for a four (4) year term.

11 Thereafter, all board members shall be elected for four (4) year terms.

12 (4) The members of the Kentucky Board of Education shall be nominated and  
 13 elected from the Supreme Court district in which they reside in partisan primary  
 14 and partisan regular elections. After the initial terms of office of the first elected  
 15 board members, members shall be elected in the same regular election years as  
 16 members of the General Assembly.

17 (5) The election of members of the Kentucky Board of Education shall be governed  
 18 by general election laws as provided in KRS Chapters 116 to 121.

19 ➔Section 3. KRS 156.040 is amended to read as follows:

20 (1) As used in this section, "relative" means father, mother, brother, sister, husband,  
 21 wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law.

22 (2) A member of the Kentucky Board of Education shall:

23 (a) Be at least thirty (30) years of age;

24 (b) Have at least an associate or technical degree, or an equivalent  
 25 credential~~[degree or its equivalent];~~

26 (c) Have been a resident of Kentucky for at least three (3) years immediately  
 27 preceding the start of the member's term~~[appointment];~~

- 1 (d) Not hold a state office requiring the constitutional oath;
- 2 (e) Not be a member of the General Assembly;
- 3 (f) Not hold or discharge the duties of any civil or political office, deputyship, or
- 4 agency under the city or county of his or her residence;
- 5 (g) Not be directly or indirectly interested in the sale to the Kentucky Board of
- 6 Education or the Department of Education of books, stationery, or any other
- 7 property, materials, supplies, equipment, or services for which board or
- 8 department funds are expended;
- 9 (h) Not have a relative as defined in subsection (1) of this section who is
- 10 employed by the Department of Education;
- 11 (i) Not have been removed from the board for cause;~~and~~
- 12 (j) Not be engaged as an elementary or secondary education professional
- 13 educator; and
- 14 (k) Not be serving as a member of a local school board at the time he or she
- 15 files the nomination papers under Section 6 of this Act.

16 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 156 IS CREATED TO

17 READ AS FOLLOWS:

- 18 (1) Unless otherwise provided by law, any member of the Kentucky Board of
- 19 Education in case of misconduct, incapacity, or willful neglect in the
- 20 performance of the duties of his or her office may be removed from office by the
- 21 board, sitting as a court, under oath, upon charges preferred by any five (5)
- 22 voting members of the board.
- 23 (2) An elected member shall not be removed without having been given the right to a
- 24 full public hearing.
- 25 (3) A decision to remove a member of the board shall require a vote of two-thirds
- 26 (2/3) of the total number of voting members.
- 27 (4) Any elected member removed from the board under this section may appeal to the

1       *Circuit Court of the county in which the member resides. The decision of the*  
2       *Circuit Court shall be subject to review by the Court of Appeals in accordance*  
3       *with the Kentucky Rules of Civil Procedure.*

4       *(5) An elected member removed from office under this section shall not be eligible to*  
5       *fill the office vacated before the expiration of the term to which he or she was*  
6       *originally elected.*

7       ➔Section 5. KRS 118.105 is amended to read as follows:

8       (1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115,  
9       every political party shall nominate all of its candidates for elective offices to be  
10       voted for at any regular election at a primary held as provided in this chapter, and  
11       the governing authority of any political party shall have no power to nominate any  
12       candidate for any elective office or to provide any method of nominating candidates  
13       for any elective office other than by a primary as provided in this chapter.

14       (2) Any political organization not constituting a political party as defined in KRS  
15       118.015 may make its nominations as provided in KRS 118.325.

16       (3) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination  
17       made by the primary more than ten (10) days before the certification of candidates  
18       for the regular election made under KRS 118.215, because of death or severe  
19       disabling condition which arose after the nomination, the governing authority of the  
20       party may provide for filling the vacancy, but only following certification to the  
21       governing authority, by the Secretary of State, that a vacancy exists for a reason  
22       specified in this subsection. When such a nomination has been made, the certificate  
23       of nomination shall be signed by the chair and secretary of the governing authority  
24       of the party making it, and shall be filed in the same manner as certificates of  
25       nomination at a primary.

26       (4) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination  
27       made by the primary more than ten (10) days before the certification of candidates

1 for the regular election, and if that party's nominee was the only political party  
2 candidate for the office sought, the governing authority of each party may nominate  
3 a candidate for the regular election, provided that no person has sought that party's  
4 nomination by filing a notification and declaration.

5 (5) If a vacancy occurs in the nomination of a candidate under the conditions of  
6 subsection (3) or (4) of this section, certificates of nomination for replacement  
7 candidates shall be filed in the same manner as provided in subsections (3) and (4)  
8 not later than 4 p.m. on the date of certification.

9 (6) This section does not apply to candidates for members of *local* boards of education,  
10 or presidential electors, nor to candidates participating in nonpartisan elections.  
11 However, regardless of the number of days served by a judge acting as a Senior  
12 Status Special Judge, a judge who elected to retire as a Senior Status Special Judge  
13 in accordance with KRS 21.580 shall not become a candidate for any elected office  
14 during the five (5) year term prescribed in KRS 21.580(1)(a)1.

15 ➔Section 6. KRS 118.165 is amended to read as follows:

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

23 (2) Candidates for offices to be voted for by the electors of more than one (1) county,  
24 and for members of Congress, ~~and~~ members of the General Assembly, *and*  
25 members of the Kentucky Board of Education, shall file their nomination papers  
26 with the Secretary of State not earlier than the first Wednesday after the first  
27 Monday in November of the year preceding the year the office will appear on the

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

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

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

16 ➔Section 7. KRS 118.305 is amended to read as follows:

17 (1) Except as provided in KRS 118.345, and subject to the provisions of subsections  
18 (2), (3), and (4) of this section, the county clerk of each county shall cause to be  
19 printed on all ballots, including the absentee ballots, for the regular election the  
20 names of the following persons:

21 (a) Candidates of a political party, as defined in KRS 118.015, who have received  
22 certificates of nomination at the preceding primary, or certificates of  
23 nomination under KRS 118.185, and whose certificates of nomination have  
24 been filed with the Secretary of State or the appropriate county clerk;

25 (b) Candidates of a political party, as defined in KRS 118.015, who have been  
26 nominated for an unexpired term in a manner determined by the governing  
27 authority of the party, as provided in KRS 118.115, and whose evidences of



- 1 nomination have been filed with the Secretary of State or the appropriate  
2 county clerk within the time prescribed in this chapter;
- 3 (c) Candidates of a political party, as defined in KRS 118.015, who have been  
4 nominated by the governing authority of the party to fill a vacancy in the  
5 candidacy of a person nominated at the preceding primary, as provided in  
6 KRS 118.105, and whose certificates of nomination have been filed with the  
7 Secretary of State or the appropriate county clerk, by at least the date provided  
8 by the election law generally for such filing;
- 9 (d) Candidates who have been nominated by a political organization as provided  
10 in KRS 118.325 and whose certificates or petitions of nomination have been  
11 filed with the Secretary of State or the appropriate county clerk within the  
12 time prescribed in this chapter;
- 13 (e) Independent candidates who have been nominated by petition as provided in  
14 KRS 118.315, and whose petitions of nomination have been filed with the  
15 Secretary of State or the appropriate county clerk within the time prescribed in  
16 this chapter;
- 17 (f) Successful nominees of all nonpartisan primaries which shall have been  
18 conducted;
- 19 (g) Candidates who have filed a petition of candidacy as shall be required to fill a  
20 vacancy which shall appear on the ballot;
- 21 (h) The county clerk shall determine whether the name of any replacement  
22 candidate who has been nominated as provided in KRS 118.105(5) may be  
23 placed on the ballot and whether any voting equipment may be reprogrammed  
24 to count the votes cast for that candidate, or whether the ballot must be  
25 reprinted to accommodate votes cast for any replacement candidate, and shall  
26 take the appropriate action to accommodate the replacement of any candidate.  
27 If the county clerk determines that the name of any replacement candidate

1 cannot be accommodated on the existing ballot and if there is insufficient time  
2 before the election to reprint the entire ballot, the county clerk shall request  
3 approval to use supplemental paper ballots for voting for that office only in  
4 the same manner as permitted for other situations in KRS 118.215(5), and, if  
5 approved, shall have an adequate number of supplemental paper ballots  
6 printed for voting for that office and only votes cast for that office by means  
7 of the supplemental paper ballots shall be tabulated and recorded by the  
8 precinct election officers and county board of elections. All actions by a  
9 county clerk, the State Board of Elections, and the Secretary of State which  
10 are necessary to provide for voting at a regular election for candidates  
11 nominated pursuant to KRS 118.105(5) shall be carried out with all possible  
12 speed. When a candidate has been replaced as provided in KRS 118.105(5)  
13 after absentee and federal provisional absentee ballots have been printed and  
14 distributed for the regular election, neither the precinct election officers nor  
15 the county board of elections shall tabulate or record any absentee or federal  
16 provisional absentee votes cast for the candidate who was replaced. If ballots  
17 are reprinted or supplemental paper ballots are printed, or if voting equipment  
18 must be reprogrammed to count the votes cast for a replacement candidate,  
19 the costs for the printing and reprogramming shall be paid by the political  
20 party who has nominated a replacement candidate, or proportionately by each  
21 political party if each party nominates a replacement candidate;

22 (i) Candidates for President and Vice President of the United States, of those  
23 political parties and organizations who have nominated presidential electors  
24 as provided in KRS 118.325, if the certificate of nomination of the electors  
25 has been filed with the Secretary of State within the time prescribed in this  
26 chapter;

27 (j) Candidates for soil and water district supervisors who have been nominated

- 1           by petition as provided in KRS 262.210; and
- 2           (k) Candidates for city office for which no nonpartisan primary has been  
3           conducted in a city which requires nonpartisan city elections.
- 4           (2) Any candidate for city office who is defeated in a partisan or nonpartisan primary  
5           shall be ineligible as a candidate for the same office in the regular election.
- 6           (3) Candidates for members of local boards of education shall have their names printed  
7           on ballots, including absentee ballots, for the regular election only after filing as  
8           provided in KRS 160.220.
- 9           (4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be  
10          printed upon any ballots, including federal provisional ballots, federal provisional  
11          absentee ballots, and absentee ballots for any regular election as the nominee of any  
12          political party, as defined in KRS 118.015, or under the emblem of any political  
13          party, as so defined, except those candidates who have been duly and regularly  
14          nominated as nominees of that party at a primary held as provided in this chapter.
- 15          (5) No county clerk shall knowingly cause to be printed, upon the ballots, federal  
16          provisional ballots, federal provisional absentee ballots, or absentee ballots for any  
17          regular election, the name of any candidate of a political party, as defined in KRS  
18          118.015, who has not been nominated in the manner provided in the laws governing  
19          primaries or the name of any candidate who is not in compliance with the  
20          restrictions concerning party registration and candidacy provided in of KRS  
21          118.315(1).
- 22          (6) The names of candidates for President and Vice President shall be certified in lieu  
23          of certifying the names of the candidates for presidential electors.
- 24          (7) When a vacancy occurs in an elective office which is required by law to be filled  
25          temporarily by appointment, the officer or body designated by law to make the  
26          appointment, or in the case of an office to be filled by appointment from a list of  
27          nominations, the officer or body designated by law to make the nominations, shall

1 immediately notify in writing both the county clerk and Secretary of State of the  
2 vacancy.

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

7 ➔Section 8. KRS 118.315 is amended to read as follows:

8 (1) A candidate for any office to be voted for at any regular election may be nominated  
9 by a petition of electors qualified to vote for him or her, complying with the  
10 provisions of subsection (2) of this section. No person whose registration status is  
11 as a registered member of a political party shall be eligible to election as an  
12 independent, or political organization, or political group candidate, nor shall any  
13 person be eligible to election as an independent, or political organization, or  
14 political group candidate whose registration status was as a registered member of a  
15 political party on January 1 immediately preceding the regular election for which  
16 the person seeks to be a candidate. This restriction shall not apply to candidates to  
17 those offices specified in KRS 118.105(6), for supervisor of a soil and water  
18 conservation district, for candidates for mayor or legislative body in cities of the  
19 home rule class, or to candidates participating in nonpartisan elections.

20 (2) The form of the petition shall be prescribed by the State Board of Elections. It shall  
21 be signed by the candidate and by registered voters from the district or jurisdiction  
22 from which the candidate seeks nomination. The petition shall include a  
23 declaration, sworn to by the candidate, that he or she possesses all the constitutional  
24 and statutory requirements of the office for which the candidate has filed.  
25 Signatures for a petition of nomination for a candidate seeking any office,  
26 excluding President of the United States in accordance with KRS 118.591(1), shall  
27 not be affixed on the document to be filed prior to the first Wednesday after the first

1 Monday in November of the year preceding the year in which the office will appear  
2 on the ballot. Signatures for nomination papers shall not be affixed on the document  
3 to be filed prior to the first Wednesday after the first Monday in November of the  
4 year preceding the year in which the office will appear on the ballot. A petition of  
5 nomination for a state officer, or any officer for whom all the electors of the state  
6 are entitled to vote, shall contain five thousand (5,000) petitioners; for a  
7 representative in Congress from any congressional district, or for any officer from  
8 any other district except as herein provided, four hundred (400) petitioners; for a  
9 county officer, member of the General Assembly, or Commonwealth's attorney, one  
10 hundred (100) petitioners; **for a member of the Kentucky Board of Education, fifty**  
11 **(50) petitioners;** for a soil and water conservation district supervisor, twenty-five  
12 (25) petitioners; for a city officer or **local** board of education member, two (2)  
13 petitioners; and for an officer of a division less than a county, except as herein  
14 provided, twenty (20) petitioners. It shall not be necessary that the signatures of the  
15 petition be appended to one (1) paper. Each petitioner shall include the date he or  
16 she affixes the signature, address of residence, and date of birth. Failure of a voter  
17 to include the signature affixation date, date of birth, and address of residence shall  
18 result in the signature not being counted. If any person joins in nominating, by  
19 petition, more than one (1) nominee for any office to be filled, he or she shall be  
20 counted as a petitioner for the candidate whose petition is filed first, except a  
21 petitioner for the nomination of candidates for soil and water conservation district  
22 supervisors may be counted for every petition to which his or her signature is  
23 affixed.

24 (3) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall  
25 not be printed on the ballots as part of the candidate's name; however, nicknames,  
26 initials, and contractions of given names may be accepted as the candidate's name.

27 (4) The Secretary of State and county clerks shall examine the petitions of all

1 candidates who file with them to determine whether each petition is regular on its  
2 face. If there is an error, the Secretary of State or the county clerk shall notify the  
3 candidate by certified mail within twenty-four (24) hours of filing.

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

8 ➔Section 9. KRS 118.325 is amended to read as follows:

9 (1) Any political organization not constituting a political party within the meaning of  
10 KRS 118.015 but whose candidate received two percent (2%) of the vote of the  
11 state at the last preceding election for presidential electors may nominate, by a  
12 convention or primary held by the party in accordance with its constitution and  
13 bylaws, candidates for any offices to be voted for at any regular election, except the  
14 office of member of a local board of education, for which nominations shall be  
15 made as provided in KRS 160.220. Any political party, as defined in KRS 118.015,  
16 and any political organization not constituting such a political party but whose  
17 candidate received two percent (2%) of the vote of the state at the last preceding  
18 election for presidential electors, may nominate, by a convention or primary held by  
19 the party or organization in accordance with its constitution and bylaws, as many  
20 electors of President and Vice President of the United States as this state is entitled  
21 to elect.

22 (2) The certificate of nomination by such a convention or primary shall be in writing,  
23 shall contain the name of each person nominated, his or her residence, and the  
24 office to which he or she is nominated, and shall designate a title for the party or  
25 principle that such convention or primary represents, together with any simple  
26 figure or device by which its list of candidates may be designated on the ballots.  
27 The certificate shall be signed by the presiding officer and secretary of the

1 convention, or by the chair and secretary of the county, city, or district committee,  
2 who shall add to their signatures their respective places of residence, and  
3 acknowledge the same before an officer duly authorized to administer oaths. A  
4 certificate of the acknowledgment shall be appended to the certificate of  
5 nomination. In the case of electors of President and Vice President of the United  
6 States the certificate of nomination shall state the names of the candidates of the  
7 party for President and Vice President.

8 (3) Any person desiring to become a candidate for an office, the nomination to which is  
9 to be made by a convention pursuant to subsections (1) and (2) of this section,  
10 except for the office of elector of President and Vice President of the United States,  
11 shall file a statement with the official designated in KRS 118.165 with whom  
12 notification and declaration forms are filed for the office. The form of the statement  
13 shall be prescribed by the State Board of Elections. Such statement shall be filed as  
14 prescribed by KRS 118.365.

15 (4) If the certificate of nomination of any state convention requests that the figure or  
16 device selected by such convention be used to designate the candidates of such  
17 party on the ballots for all elections throughout the state, that figure or device shall  
18 be used until changed by request of a subsequent state convention of the same  
19 party. The device may be any appropriate symbol other than the coat of arms or seal  
20 of this state or of the United States, the national flag, or any other emblem common  
21 to the people at large.

22 (5) In case of death, resignation, or removal of any such candidate subsequent to  
23 nomination and before the certification of candidates for the regular election made  
24 under KRS 118.215, the chair of the state, county, or city district committee shall  
25 fill the vacancy, unless a supplemental certificate or petition of nomination is filed.  
26 In the case of electors of President and Vice President of the United States, a  
27 vacancy may be filled by the chair of the state committee at any time before the

1 meeting of the electors, whether the vacancy occurs before or after the election.

2 (6) If any political party entitled to nominate by convention fails to do so, the names of  
3 all nominees by petition for any office who are designated in their petition as  
4 members and candidates of that party shall be printed under the device and title on  
5 the ballots as if nominated by a convention. If two (2) or more persons who have  
6 filed certificates of nomination under this section claim to be the nominee of the  
7 same political party, the governing authority of that party shall designate to the  
8 Secretary of State and county clerk, in writing, which of the candidates is entitled to  
9 the party emblem. If there are two (2) or more contending executive committees of  
10 the same party in the county or district, the county or district executive committee  
11 that is recognized by the state governing authority of the party, by the written  
12 certificate of its chair, shall be recognized by the Secretary of State and county  
13 clerk.

14 (7) 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.

18 ➔Section 10. KRS 118.356 is amended to read as follows:

19 (1) Certificates and petitions of nomination shall, in the case of candidates voted for by  
20 the state at large or by a district greater than one (1) county, **including candidates**  
21 **for the Kentucky Board of Education,** be filed with the Secretary of State. In the  
22 case of candidates voted for by a county or by a district less than a county, they  
23 shall be filed with the county clerk. In the case of candidates voted for by a city  
24 whose boundaries extend beyond those of a single county, they shall be filed with  
25 the county clerk of the county in which a candidate resides. In the case of  
26 candidates for Congress and for General Assembly, they shall be filed with the  
27 Secretary of State.



1 (2) Certificates of nomination at a primary election held under this chapter shall be  
2 filed by the State Board of Elections or the county board of elections, depending  
3 upon which one issued the certificate. Certificates and petitions of nomination shall  
4 be filed by the candidate or by someone on his behalf.

5 ➔Section 11. KRS 118.365 is amended to read as follows:

6 (1) Certificates of nomination issued by the State Board of Elections shall be filed by  
7 that board with the Secretary of State immediately. The certificates issued by the  
8 county board of elections shall be filed by that board with the county clerk  
9 immediately.

10 (2) Petitions of nomination for candidates for city offices except as provided in KRS  
11 83A.047, for candidates for members of local boards of education, and for  
12 candidates for supervisors of soil and water conservation districts shall be filed with  
13 the county clerk not earlier than the first Wednesday after the first Monday in  
14 November of the year preceding the year in which the office will appear on the  
15 ballot and not later than the first Tuesday after the first Monday in June preceding  
16 the day fixed by law for the holding of regular elections for the offices sought.

17 (3) Candidates for an office, the nomination to which is to be made by a convention  
18 pursuant to KRS 118.325(1) and (2), except for the office of electors of President  
19 and Vice President of the United States, shall file the statements required by KRS  
20 118.325(3), with the official designated in KRS 118.165 with whom notification  
21 and declaration are filed for the office, not earlier than the first Wednesday after the  
22 first Monday in November of the year preceding the year in which the office will  
23 appear on the ballot and not later than the first Tuesday after the first Monday in  
24 June preceding the regular election for the office sought.

25 (4) Certificates of nomination made by the governing authority of a political party  
26 within the meaning of KRS 118.015 or a political organization not constituting a  
27 political party within the meaning of KRS 118.015 but whose candidate received

1 two percent (2%) of the vote of the state at the last preceding election for  
2 presidential electors to fill vacancies in office, as provided in KRS 118.115 and  
3 118.325, shall be filed as required with the Secretary of State or county clerk.

4 (5) Except as otherwise provided in this section, petitions of nomination shall be filed  
5 as required with the Secretary of State or county clerk not earlier than the first  
6 Wednesday after the first Monday in November of the year preceding the year in  
7 which the offices will appear on the ballot and not later than the first Tuesday after  
8 the first Monday in June preceding the day fixed by law for the holding of regular  
9 elections for the offices sought. The filing of petitions of nomination for  
10 independent, or political organization, or political group candidates shall not be  
11 accepted by the Secretary of State or the county clerk if the candidate has not filed a  
12 statement-of-candidacy form as required by KRS 118.367.

13 (6) Petitions and certificates of nomination for electors of President and Vice President  
14 of the United States shall be filed with the Secretary of State not earlier than the  
15 first Wednesday after the first Monday in November of the year preceding the year  
16 in which there is an election for President and Vice President of the United States  
17 and not later than the Friday following the first Tuesday in September preceding the  
18 date fixed by law for the election of the electors.

19 (7) Petitions for recall elections or elections on public questions shall be filed as  
20 required with the county clerk not later than the second Tuesday in August  
21 preceding the day fixed by law for holding a regular election.

22 (8) Petitions of any kind named in this section, statements, and certificates of  
23 nomination shall be filed no later than 4 p.m. local time at the place of filing when  
24 filed on the last date on which papers are permitted to be filed.

25 ➔Section 12. KRS 160.220 is amended to read as follows:

26 All elections for members of local boards of education shall be by secret vote. The  
27 county clerk shall cause to be prepared for presentation to the voters the names of legally

1 eligible candidates who have filed a petition as provided in KRS 118.315.

2 ➔Section 13. The following KRS section is repealed:

3 156.031 Existing State Board for Elementary and Secondary Education to remain active  
4 until successor board appointed.

5 ➔Section 14. Notwithstanding Sections 1 and 2 of this Act, from January 1, 2026,  
6 through December 31, 2026:

7 (1) The voting members appointed to the Kentucky Board of Education by the  
8 Governor prior to January 1, 2027, shall serve their terms in accordance with their  
9 appointments, the provisions of KRS 156.029 in effect until January 1, 2026, and other  
10 applicable laws;

11 (2) The Governor shall fill any vacancy that occurs in the same manner as the  
12 original appointment for a term expiring on or before December 31, 2026;

13 (3) The terms of each appointed member serving on the board on December 31,  
14 2026, shall terminate on that date;

15 (4) Each nonvoting active public elementary or secondary school teacher and  
16 public high school student appointed by the board shall serve their terms in accordance  
17 with their appointments, except that the terms of the teacher and student serving on  
18 December 31, 2026, shall terminate on that date; and

19 (5) The president of the Council on Postsecondary Education and the secretary of  
20 the Education and Labor Cabinet shall continue to serve as ex officio nonvoting members  
21 of the board.

22 ➔Section 15. After December 31, 2026:

23 (1) The candidates for the Kentucky Board of Education that receive a certificate of  
24 election for their offices following the regular election held on November 3, 2026, shall  
25 begin serving their terms on January 5, 2027, in accordance with Section 2 of this Act;

26 (2) The board shall appoint one active public elementary or secondary school  
27 teacher and one public high school student as nonvoting members in accordance with

1 Section 1 of this Act, except these initial appointments shall expire on April 30, 2027,  
2 and their successors shall be appointed for a one-year term; and

3 (3) The president of the Council on Postsecondary Education and the secretary of  
4 the Education and Labor Cabinet shall continue to serve as ex officio nonvoting members  
5 of the board.

6 ➔Section 16. This Act takes effect January 1, 2026.