

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

23 (5)~~(4)~~ 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 degree or its equivalent;

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

27 (d) Not hold a state office requiring the constitutional oath;

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

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

16 READ AS FOLLOWS:

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

1 *Circuit Court shall be subject to review by the Court of Appeals in accordance*
2 *with the Kentucky Rules of Civil Procedure.*

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

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

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

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

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

25 (4) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination
26 made by the primary more than ten (10) days before the certification of candidates
27 for the regular election, and if that party's nominee was the only political party

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

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

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

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

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

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

1 preceding the day fixed by law for holding the primary. Signatures for nomination
2 papers shall not be affixed on the document to be filed prior to the first Wednesday
3 after the first Monday in November of the year preceding the year in which the
4 office will appear on the ballot. All nomination papers 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 may be filed.

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

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

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

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

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

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

- 1 county clerk within the time prescribed in this chapter;
- 2 (c) Candidates of a political party, as defined in KRS 118.015, who have been
3 nominated by the governing authority of the party to fill a vacancy in the
4 candidacy of a person nominated at the preceding primary, as provided in
5 KRS 118.105, and whose certificates of nomination have been filed with the
6 Secretary of State or the appropriate county clerk, by at least the date provided
7 by the election law generally for such filing;
- 8 (d) Candidates who have been nominated by a political organization as provided
9 in KRS 118.325 and whose certificates or petitions of nomination have been
10 filed with the Secretary of State or the appropriate county clerk within the
11 time prescribed in this chapter;
- 12 (e) Independent candidates who have been nominated by petition as provided in
13 KRS 118.315, and whose petitions of nomination have been filed with the
14 Secretary of State or the appropriate county clerk within the time prescribed in
15 this chapter;
- 16 (f) Successful nominees of all nonpartisan primaries which shall have been
17 conducted;
- 18 (g) Candidates who have filed a petition of candidacy as shall be required to fill a
19 vacancy which shall appear on the ballot;
- 20 (h) The county clerk shall determine whether the name of any replacement
21 candidate who has been nominated as provided in KRS 118.105(5) may be
22 placed on the ballot and whether any voting equipment may be reprogrammed
23 to count the votes cast for that candidate, or whether the ballot must be
24 reprinted to accommodate votes cast for any replacement candidate, and shall
25 take the appropriate action to accommodate the replacement of any candidate.
26 If the county clerk determines that the name of any replacement candidate
27 cannot be accommodated on the existing ballot and if there is insufficient time

- 1 before the election to reprint the entire ballot, the county clerk shall request
2 approval to use supplemental paper ballots for voting for that office only in
3 the same manner as permitted for other situations in KRS 118.215(5), and, if
4 approved, shall have an adequate number of supplemental paper ballots
5 printed for voting for that office and only votes cast for that office by means
6 of the supplemental paper ballots shall be tabulated and recorded by the
7 precinct election officers and county board of elections. All actions by a
8 county clerk, the State Board of Elections, and the Secretary of State which
9 are necessary to provide for voting at a regular election for candidates
10 nominated pursuant to KRS 118.105(5) shall be carried out with all possible
11 speed. When a candidate has been replaced as provided in KRS 118.105(5)
12 after absentee and federal provisional absentee ballots have been printed and
13 distributed for the regular election, neither the precinct election officers nor
14 the county board of elections shall tabulate or record any absentee or federal
15 provisional absentee votes cast for the candidate who was replaced. If ballots
16 are reprinted or supplemental paper ballots are printed, or if voting equipment
17 must be reprogrammed to count the votes cast for a replacement candidate,
18 the costs for the printing and reprogramming shall be paid by the political
19 party who has nominated a replacement candidate, or proportionately by each
20 political party if each party nominates a replacement candidate;
- 21 (i) Candidates for President and Vice President of the United States, of those
22 political parties and organizations who have nominated presidential electors
23 as provided in KRS 118.325, if the certificate of nomination of the electors
24 has been filed with the Secretary of State within the time prescribed in this
25 chapter;
- 26 (j) Candidates for soil and water district supervisors who have been nominated
27 by petition as provided in KRS 262.210; and

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

1 vacancy.

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

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

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

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

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

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

26 (4) The Secretary of State and county clerks shall examine the petitions of all
27 candidates who file with them to determine whether each petition is regular on its

1 face. If there is an error, the Secretary of State or the county clerk shall notify the
2 candidate by certified mail within twenty-four (24) hours of filing.

3 (5) 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 9. KRS 118.325 is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

27 (2) Certificates of nomination at a primary election held under this chapter shall be

1 filed by the State Board of Elections or the county board of elections, depending
2 upon which one issued the certificate. Certificates and petitions of nomination shall
3 be filed by the candidate or by someone on his behalf.

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

- 5 (1) Certificates of nomination issued by the State Board of Elections shall be filed by
6 that board with the Secretary of State immediately. The certificates issued by the
7 county board of elections shall be filed by that board with the county clerk
8 immediately.
- 9 (2) Petitions of nomination for candidates for city offices except as provided in KRS
10 83A.047, for candidates for members of local boards of education, and for
11 candidates for supervisors of soil and water conservation districts shall be filed with
12 the county clerk not earlier than the first Wednesday after the first Monday in
13 November of the year preceding the year in which the office will appear on the
14 ballot and not later than the first Tuesday after the first Monday in June preceding
15 the day fixed by law for the holding of regular elections for the offices sought.
- 16 (3) Candidates for an office, the nomination to which is to be made by a convention
17 pursuant to KRS 118.325(1) and (2), except for the office of electors of President
18 and Vice President of the United States, shall file the statements required by KRS
19 118.325(3), with the official designated in KRS 118.165 with whom notification
20 and declaration are filed for the office, not earlier than the first Wednesday after the
21 first Monday in November of the year preceding the year in which the office will
22 appear on the ballot and not later than the first Tuesday after the first Monday in
23 June preceding the regular election for the office sought.
- 24 (4) Certificates of nomination made by the governing authority of a political party
25 within the meaning of KRS 118.015 or a political organization not constituting a
26 political party within the meaning of KRS 118.015 but whose candidate received
27 two percent (2%) of the vote of the state at the last preceding election for

1 presidential electors to fill vacancies in office, as provided in KRS 118.115 and
2 118.325, shall be filed as required with the Secretary of State or county clerk.

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

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

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

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

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

25 All elections for members of local boards of education shall be by secret vote. The
26 county clerk shall cause to be prepared for presentation to the voters the names of legally
27 eligible candidates who have filed a petition as provided in KRS 118.315.

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

2 156.031 Existing State Board for Elementary and Secondary Education to remain active
3 until successor board appointed.

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

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

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

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

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

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

21 ➔Section 15. After December 31, 2026:

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

25 (2) The board shall appoint one active public elementary or secondary school
26 teacher and one public high school student as nonvoting members in accordance with
27 Section 1 of this Act, except these initial appointments shall expire on April 30, 2027,

1 and their successors shall be appointed for a one-year term; and

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

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