

1 AN ACT relating to school board elections.

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

3 ➔Section 1. KRS 160.200 is amended to read as follows:

- 4 (1) All elections for members of ***county and independent*** boards of education shall be
5 ***partisan and occur*** in even~~[-]~~ numbered years, for a term of four (4) years, except
6 as provided in KRS 160.210(5)~~[-]. Except as provided in subsection (3) of this~~
7 ~~section, the elections shall be held at the regular November election].~~
- 8 (2) ***For county boards of education, a petition shall be required for the nomination of***
9 ***candidates in accordance with Section 12 of this Act.***
- 10 (3) (a) ***For independent boards of education, candidates shall not participate in a***
11 ***primary, but shall be required to file a petition of nomination in accordance***
12 ***with Section 12 of this Act.***
- 13 (b) ***Any vote cast for all candidates of one (1) party or for one (1) or more***
14 ***candidates of every party having candidates entitled to be voted for, or for***
15 ***one (1) or more independent, political organization, or political group***
16 ***candidates, shall not be counted for, or assigned to, any candidate for a***
17 ***member seat on an independent board of education, even if that candidate is***
18 ***the only designee of a political party, organization, or group nominated to***
19 ***fill a member seat on an independent board of education.***
- 20 (c) ***The order of the names of the candidates for independent school districts to***
21 ***appear on the regular election ballot shall be determined by lot, if there is***
22 ***more than one (1) candidate for the office sought who is the same political***
23 ***affiliation.***
- 24 (4) In each even numbered year, there shall be held an election in every county and
25 independent district to fill the membership of the boards of education for the terms
26 that will expire on the first Monday in January following, and the regularly elected
27 members shall hold office for four (4) years and until their successors are elected

1 and have qualified.}

2 ~~(3) Any independent school district embracing a designated city may, at the discretion~~
3 ~~of its board of education, hold its election of board members at its public school~~
4 ~~building on the first Saturday in May. The election shall be held by three (3)~~
5 ~~officers appointed by the board of education and the expenses of the election shall~~
6 ~~be paid from the treasury of the school district. In all other respects the provisions~~
7 ~~of this chapter relating to holding elections for board members shall apply.}~~

8 ~~(5)~~~~(4)~~ In counties containing a city of the first class, wherein a merger pursuant to
9 KRS 160.041 shall have been accomplished, the terms of the members shall be as
10 provided in KRS 160.210(5). Elected members of such boards, excepting those
11 boards of education representing ten percent (10%) or less of the student population
12 of the county serving at the effective date of such a merger shall continue to serve
13 until their term expires, but no appointments shall be made to fill vacancies. The
14 terms of office of members of boards of education representing ten percent (10%)
15 or less of the student population of the county shall expire on the effective date of
16 the merger.

17 ~~(6)~~~~(5)~~ As used in this section, "designated city" means a city classified as a city of
18 the fifth class as of January 1, 2014, under the city classification system in effect
19 prior to January 1, 2015. The Department of Education shall~~, on or before January~~
20 ~~1, 2015,}~~ create an official registry listing the cities that qualify as a "designated
21 city" under this section and shall publish that registry on its website~~[Web site]~~.

22 ➔Section 2. KRS 160.210 is amended to read as follows:

23 (1) In independent school districts, the members of the school board shall be elected
24 from the district at large. In county school districts, members shall be elected from
25 divisions. **For either type of school district, candidate names with corresponding**
26 **emblems of a political party shall be presented to the voters on the respective**
27 **ballot for the office sought.**

1 (2) The board of education of each county school district shall, not later than July 1,
2 1940, divide its district into five (5) divisions containing integral voting precincts
3 and as equal in population insofar as is practicable. In first dividing the county
4 district into divisions the board shall, if more than one (1) of its members reside in
5 one (1) division, determine by lot which member from that division shall represent
6 that division, and which members shall represent the divisions in which no member
7 resides. The members so determined to represent divisions in which no member
8 resides shall be considered the members from those divisions until their terms
9 expire, and thereafter the members from those divisions shall be nominated and
10 elected as provided in KRS 160.200, ~~and~~ 160.220, 160.230, and 160.240 ~~to~~
11 ~~160.250~~.

12 (3) Any changes made in division boundary lines shall be to make divisions as equal in
13 population and containing integral voting precincts insofar as is practical. No
14 change may be made in division boundary lines less than five (5) years after the last
15 change in any division lines, except in case of merger of districts, a change in
16 territory due to annexation, or to allow compliance with KRS 117.055(2).

17 (4) (a) Notwithstanding the provisions of subsection (3) of this section, if one
18 hundred (100) residents of a county school district division petition the
19 Kentucky Board of Education stating that the school district divisions are not
20 divided as nearly equal in population as can reasonably be expected, the chief
21 state school officer shall cause an investigation to determine the validity of the
22 petition, the investigation to be completed within thirty (30) days after receipt
23 of the petition.

24 (b) If the investigation reveals the school district to be unequally divided
25 according to population, the Kentucky Board of Education, upon the
26 recommendation of the chief state school officer, shall order the local board of
27 education to make changes in school district divisions as are necessary to

1 equalize population within the five (5) school divisions.

2 (c) If any board fails to comply with the order of the Kentucky Board of
3 Education within thirty (30) days or prior to August 1 in any year in which
4 any members of the board are to be elected, members shall be elected from
5 the district at large until the order of the Kentucky Board of Education has
6 been complied with.

7 (d) No change shall be made in the boundary of any division under the provisions
8 of this subsection after August 1 in the year in which a member of the school
9 board is to be elected from any division.

10 (5) Notwithstanding the provisions of subsection (2) of this section, in counties
11 containing a city of the first class wherein a merger pursuant to KRS 160.041 shall
12 have been accomplished, there shall be seven (7) divisions as equal in population as
13 is practicable, with members elected from divisions. To be eligible to be elected
14 from a division, a candidate must reside in that division. The divisions, based upon
15 1970 United States Census Bureau Reports on total population by census tracts for
16 Jefferson County, Kentucky shall be as follows: Division One shall include census
17 tracts 1-28; Division Two shall include census tracts 29-35, 47-53, 57-74, 80-84,
18 93, 129, 130; Division Three shall include census tracts 75-79, 85-88, 98-106,
19 107.01, 108; Division Four shall include census tracts 121.01, 123-128; Division
20 Five shall include census tracts 36-46, 56, 90, 120, 121.02, 122; Division Six shall
21 include census tracts 54, 55, 91, 92, 94, 95, 110.02, 113, 114, 117.01, 117.02, 118,
22 119; Division Seven shall include census tracts 89, 96, 97, 107.02, 109, 110.01,
23 111, 112, 115, 116, 117.03, 131, 132. The terms of the members to be elected, KRS
24 160.044 notwithstanding, shall be four (4) years and the election for the initial four
25 (4) year terms shall be as follows: The election of the members from Divisions
26 Two, Four and Seven shall be held at the next regular November election following
27 the effective date of the merger pursuant to KRS 160.041, and the election of the

1 members from Divisions One, Three, Five and Six shall be held at the regular
2 November election two (2) years thereafter.

3 (6) In counties containing cities of the first class, responsibility for the establishment or
4 the changing of school board division boundaries shall be with the local board of
5 education, subject to the review and approval of the county board of elections.
6 Where division and census tract boundaries do not coincide with existing election
7 precinct boundaries, school board divisions shall be redrawn to comply with
8 precinct boundaries. In no instance shall precinct boundaries be redrawn nor shall a
9 precinct be divided to accommodate the drawing of school board division lines.
10 Precinct boundaries nearest existing school board division boundaries shall become
11 the new division boundary. All changes under this statute shall be completed on or
12 before January 1, 1979, and on or before January 1 in any succeeding year in which
13 a member of the school board is to be elected from any division. A record of all
14 changes in division lines shall be kept in the offices of the county board of
15 education and the county board of elections. The board of education shall publish
16 all changes pursuant to KRS Chapter 424. A copy of the newspaper in which the
17 notice is published shall be filed with the chief state school officer within ten (10)
18 days following its publication.

19 ➔Section 3. KRS 160.042 is amended to read as follows:

20 (1) Upon a merger under the provisions of KRS 160.040 and 160.041 of an
21 independent school district in a city of the first class with a county school district in
22 counties containing a city of the first class, the members of the county board of
23 education of the merged county school district, shall be elected pursuant to KRS
24 160.200 and 160.210.

25 (2) Each member of the respective boards of education at the time of the merger of the
26 districts, may continue to hold office until the expiration of his or her term of office,
27 except as provided in subsection (5) of Section 1 of this Act~~[KRS 160.200(4)]~~; but

1 any vacancy occurring among such members for any reason shall not be filled.

2 ➔Section 4. KRS 160.180 is amended to read as follows:

- 3 (1) As used in this section, "relative" means father, mother, brother, sister, husband,
4 wife, son, and daughter.
- 5 (2) A person shall only be eligible for membership on a board of education if the
6 person:
- 7 (a) Has attained the age of twenty-four (24) years;
 - 8 (b) Has been a citizen of Kentucky for at least three (3) years preceding the
9 election and is a voter of the district for which he or she is elected;
 - 10 (c) Has completed at least the twelfth grade or has been issued a High School
11 Equivalency Diploma, as evidenced by:
 - 12 1. An affidavit signed under penalty of perjury certifying completion of the
13 twelfth grade or the equivalent that has been filed with the nominating
14 petition required by KRS 118.315; or
 - 15 2. A transcript evidencing completion of the twelfth grade or the results of
16 a twelfth grade equivalency examination that has been filed with the
17 nominating petition required by Sections 11 and 12 of this Act~~KRS~~
18 ~~118.315~~];
 - 19 (d) Does not hold any elective federal, state, county, or city office;
 - 20 (e) Is not, at the time of his or her election, directly or indirectly interested in the
21 sale to the board of books, stationery, or any other property, materials,
22 supplies, equipment, or services for which school funds are expended;
 - 23 (f) Has not been removed from membership on a board of education for cause;
24 and
 - 25 (g) Does not have a relative employed by the school district, in the case of a
26 person elected after July 13, 1990. This shall not apply to a board member
27 holding office on July 13, 1990, whose relative was not initially hired by the

1 district during the tenure of the board member.

2 (3) (a) A member of a board of education shall be subject to removal from office
3 pursuant to KRS 415.050 and 415.060 if, after the election the member:

4 1. Becomes interested in any contract with or claims against the board, of
5 the kind mentioned in subsection (2)(e) of this section;

6 2. Moves his or her residence from the division for which he or she was
7 chosen;

8 3. Attempts to influence the employment of any school employee, except
9 the superintendent or school board attorney;

10 4. Is convicted of a felony;

11 5. Performs acts of malfeasance in performance of duties prescribed by
12 law;

13 6. Willfully misuses, converts, or misappropriates public property or funds;
14 or

15 7. Does anything that would render the member ineligible for reelection.

16 (b) In accordance with KRS 7.410, the Office of Education Accountability shall
17 have the duty and responsibility to investigate current local board of education
18 members for allegations of conduct prohibited by paragraph (a) of this
19 subsection. After review and investigation, the Office of Education
20 Accountability shall refer appropriate matters to the Attorney General.

21 (4) A member of a board of education shall be eligible for reelection unless he or she
22 becomes disqualified.

23 (5) The annual in-service training requirements for all members of boards of education
24 in office as of December 31, 2014, shall be as follows:

25 (a) Twelve (12) hours for members with zero to three (3) years of experience;

26 (b) Eight (8) hours for members with four (4) to seven (7) years of experience;

27 and

1 (c) Four (4) hours for members with eight (8) or more years of experience.

2 The Kentucky Board of Education shall identify the criteria for fulfilling this
3 requirement.

4 (6) (a) For all members of boards of education who begin their initial service on or
5 after January 1, 2015, the in-service training requirements shall be:

6 1. Twelve (12) hours for members with zero to eight (8) years of
7 experience each year, which shall include a minimum of:

8 a. One (1) hour of ethics training each year; and

9 b. One (1) hour of open meetings and open records training within
10 the first twelve (12) months of initial service and at least once
11 every four (4) years thereafter; and

12 2. Eight (8) hours for members with more than eight (8) years of
13 experience each year, which shall include a minimum of:

14 a. One (1) hour of ethics training each year; and

15 b. One (1) hour of open meetings and open records training at least
16 once every four (4) years.

17 (b) Training topics for members under this subsection with less than two (2) years
18 of consecutive service shall include three (3) hours of finance and one (1)
19 hour of superintendent evaluation within the first two (2) years of service. The
20 Kentucky Board of Education shall identify criteria for fulfilling this
21 requirement.

22 ➔Section 5. KRS 160.220 is amended to read as follows:

23 All elections for members of boards of education shall be by secret vote. The county
24 clerk shall cause to be prepared for presentation to the voters the names of legally eligible
25 candidates who have filed a petition as provided in Sections 11 and 12 of this Act ~~KRS~~
26 ~~118.315~~.

27 ➔Section 6. KRS 160.230 is amended to read as follows:

1 The names and party emblems of candidates for members of the county and
 2 independent school board~~[candidate names]~~ shall be presented to the voters in the form
 3 prescribed by the general election law, with~~[except that no party emblem or~~
 4 ~~distinguishing mark shall be used, save]~~ the words "School Candidates." The order in
 5 which the names of the candidates are to appear shall be determined by lot. As many
 6 additional spaces shall be left blank as there are members to be elected from the district
 7 or division as the case may be.

8 ➔Section 7. KRS 160.990 is amended to read as follows:

9 (1) ~~[Any person who violates any of the provisions of KRS 160.250 shall be fined not~~
 10 ~~more than two hundred dollars (\$200).~~

11 ~~(2)~~ Any person who violates any of the provisions of KRS 160.300 shall be fined not
 12 less than ten (\$10) nor more than fifty dollars (\$50).

13 ~~(2)~~~~(3)~~ Any superintendent who violates any of the provisions of KRS 160.350 to
 14 160.400 shall be fined not less than one hundred (\$100) nor more than one thousand
 15 dollars (\$1,000) for each offense, and the violation is grounds for revocation of his
 16 or her certificate.

17 ~~(3)~~~~(4)~~ Any person who violates any of the provisions of KRS 160.550 shall be fined
 18 not less than fifty (\$50) nor more than one hundred dollars (\$100), and shall be
 19 subject to removal from office.

20 ~~(4)~~~~(5)~~ The Kentucky Board of Education may withhold funds allotted under KRS
 21 157.350 from any local district which violates KRS 160.380(5) in the amount of
 22 one thousand dollars (\$1,000) per violation.

23 ~~(5)~~~~(6)~~ In addition to penalties listed in this section, any local district which violates
 24 KRS 160.380(5) shall be fined not less than five hundred dollars (\$500) nor more
 25 than one thousand dollars (\$1,000).

26 ➔Section 8. KRS 117.125 is amended to read as follows:

27 No voting system or voting equipment shall be approved for use after January 1, 2024, by

1 the State Board of Elections, either upon initial examination or reexamination, and no
2 voting equipment or voting system shall be purchased after July 14, 2022, unless the
3 system and equipment has been certified under KRS 117.379 and is so constructed that it
4 shall:

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

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

11 (3) Except at a primary, permit a voter to vote for all the candidates of one (1) party or
12 for one (1) or more candidates of every party having candidates entitled to be voted
13 for, or for one (1) or more independent, political organization, or political group
14 candidates. **The requirements in this subsection do not apply to votes cast for any**
15 **candidate for a member seat on an independent board of education;**

16 (4) Permit a voter to vote for as many persons for an office as the voter is lawfully
17 entitled to vote for, and no more;

18 (5) Prevent a voter from voting for more persons for any office than the voter is entitled
19 to vote for, and from voting for the same person, or for or against the same
20 question, more than once;

21 (6) Permit a voter to vote for or against any question the voter may have the right to
22 vote on, but no other;

23 (7) Provide for a nonpartisan ballot;

24 (8) Be capable of being adjusted for use in a primary so that a voter may not vote for
25 any person except those seeking nomination as candidates of the voter's party, as
26 candidates for a nonpartisan office, or as candidates for an office of the Court of
27 Justice;

- 1 (9) Permit each voter to vote for all the candidates for presidential electors of any party
2 by one (1) operation;
- 3 (10) Permit each voter to vote, in any regular or special election, for any person for
4 whom the voter desires to vote whose name does not appear upon the ballot by
5 providing a method of write-in voting;
- 6 (11) Be safe, efficient, and accurate in the conduct of elections, and correctly register
7 and accurately count all votes cast for each person, and for or against each public
8 question;
- 9 (12) (a) Provide each voter an opportunity to verify votes recorded on the permanent
10 paper ballot, either visually or using assistive voting technology, by producing
11 a voter-verified paper audit trail;
- 12 (b) Provide each voter an opportunity to change votes or correct any error before
13 the voter's ballot is cast and counted; and
- 14 (c) Provide a voter who spoils his or her ballot another ballot as provided under
15 this chapter;
- 16 (13) Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating
17 purposes;
- 18 (14) Preserve the paper ballot as an official record available for use in any audit or
19 recount;
- 20 (15) Be suitably designed for the purpose used, constructed of a durable material, and
21 safely transportable;
- 22 (16) Be capable of determining whether the voting equipment has been unlocked and
23 operated or adjusted in any manner after once being locked;
- 24 (17) Have a public counter with a register which is visible from the outside of the
25 counter or device that will show at all times during an election how many persons
26 have voted;
- 27 (18) Have a protective cumulative counter indicating the number of votes cast for each

- 1 person, and the votes cast for or against each public question which cannot be seen,
2 reset, or tampered with without unlocking a covering device by a key or other
3 security apparatus that cannot unlock any other part of the equipment, and which
4 prevents changes to the cumulative counter once the system has been put into
5 operation on the day of any election;
- 6 (19) Provide for the tabulating of votes at the precinct as required under KRS 117.275;
- 7 (20) Provide locks or other security apparatus by which the operation of the voting
8 equipment may be locked before the time for opening the polls and after the time
9 for closing the polls;
- 10 (21) Permit a voter to readily learn the method of operating it, to expeditiously cast a
11 vote for all candidates and on all questions of the voter's choice, and when operated
12 properly, register and record correctly and accurately every vote cast;
- 13 (22) Bear a number or other unique designation that will distinguish it from any other
14 voting equipment or voting system;
- 15 (23) Produce a real-time audit log record for the voting system, and produce a paper
16 record with a manual audit capacity which shall be available as an official record
17 for any recount conducted related to any primary or election in which the system is
18 used;
- 19 (24) Be accessible for individuals with impairments, including nonvisual accessibility
20 for the blind or visually impaired, in a manner that provides the same opportunity
21 for access and participation, including privacy and independence, as for other
22 voters;
- 23 (25) Prohibit voting equipment that tabulates or aggregates votes used in official results
24 from connecting to any network, including the Internet, or communicating with any
25 device external to the voting system;
- 26 (26) Meet or exceed the standards for a voting system established by the Election
27 Assistance Commission, as amended from time to time, and those approved under

1 KRS 117.379; and

2 (27) Meet such other requirements as may be established by the State Board of Elections
3 in administrative regulations promulgated under KRS Chapter 13A to reflect
4 changes in technology to ensure the integrity and security of voting systems.

5 ➔Section 9. KRS 118.105 is amended to read as follows:

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

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

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

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

1 a candidate for the regular election, provided that no person has sought that party's
2 nomination by filing a notification and declaration.

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

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

14 ➔Section 10. KRS 118.215 is amended to read as follows:

15 (1) After the order of the names has been determined as provided in KRS 118.225, the
16 Secretary of State shall certify, to the county clerks of the respective counties
17 entitled to participate in the nomination or election of the respective candidates, the
18 name, place of residence, and party of each candidate or slate of candidates for each
19 office, as specified in the nomination papers or certificates and petitions of
20 nomination filed with him or her, and shall designate the device with which the
21 candidate groups, slates of candidates, or lists of candidates of each party shall be
22 printed, in the order in which they are to appear on the ballot, with precedence to be
23 given to the party that polled the highest number of votes at the preceding election
24 for presidential electors, followed by the political party which received the second
25 highest number of votes, with the order of any other political parties and
26 independents to be determined by lot. For partisan elections without a primary,
27 candidate drawing positions shall be determined by lot, if there is more than one

1 (1) candidate for the office sought who is of the same political affiliation.

2 Candidates for county offices and local state offices shall be listed in the following
3 order: Commonwealth's attorney, circuit clerk, property valuation administrator,
4 county judge/executive, county attorney, county clerk, sheriff, jailer, county
5 commissioner, coroner, justice of the peace, and constable. The names of
6 candidates for President and Vice President shall be certified in lieu of certifying
7 the names of the candidates for presidential electors. The names shall be certified as
8 follows:

- 9 (a) Not later than the third Monday after the filing deadline for the primary as
10 established in KRS 83A.045, 118.165, and 118A.060;
- 11 (b) Not later than the fourth Monday in August, except as provided in paragraph
12 (c) of this subsection; and
- 13 (c) Not later than the Monday after the Friday following the first Tuesday in
14 September preceding a regular election, for those years in which there is an
15 election for President and Vice President of the United States.

16 (2) Except as otherwise provided in subsection (3) of this section, all independent
17 candidates or slates of candidates whose nominating petitions are filed with the
18 county clerk or the Secretary of State shall be listed under the title and device
19 designated by them as provided in KRS 118.315, or if none is designated, under the
20 word "independent," and shall be placed on the ballot in a separate column or
21 columns or in a separate line or lines according to the office which they seek. The
22 order in which independent candidates or slates of candidates shall appear on the
23 ballot shall be determined by lot by the county clerk. If the same device is selected
24 by two (2) groups of petitioners, it shall be given to the first selecting it and the
25 county clerk shall permit the other group to select a suitable device. This section
26 shall not apply to candidates for municipal offices which come under subsection (3)
27 of this section.

- 1 (3) The ballots used at any election in which city officers are to be elected as provided
2 in subsection (2) of this section shall contain the names of candidates for the city
3 offices grouped according to the offices they seek, and the candidates shall be
4 immediately arranged with and designated by the title of office they seek. The order
5 in which the names of the candidates for each office are to be printed on the ballot
6 shall be determined by lot. Each group of candidates for each separate office for
7 which the candidates are to be elected shall be clearly separated from other groups
8 on the ballot and spaced to avoid confusion on the part of the voter.
- 9 (4) The Secretary of State shall not knowingly certify to the county clerk of any county
10 the name of any candidate or slate of candidates who has not filed the required
11 nomination papers, nor knowingly fail to certify the name of any candidate or slate
12 of candidates who has filed the required nomination papers.
- 13 (5) If the county clerk determines that the number of certified candidates or slates of
14 candidates cannot be placed on a ballot which can be accommodated by the voting
15 equipment currently in use by the county, he or she shall so notify the State Board
16 of Elections not later than the last Tuesday in February preceding the primary or the
17 last Tuesday in August preceding the regular election. The State Board of Elections
18 shall meet within five (5) days of the notice, review the ballot conditions, and
19 determine whether supplemental paper ballots are necessary for the election. Upon
20 approval of the State Board of Elections, supplemental paper ballots may be used
21 for nonpartisan candidates or slates of candidates for an office or offices and public
22 questions submitted for a yes or no vote. All candidates or slates of candidates for
23 any particular office shall be placed either on the ballot or on the supplemental
24 paper ballot. Supplemental paper ballots may also be used to conduct the voting, in
25 the instance of a small precinct as provided in KRS 117.066.
- 26 (6) The ballot position of a candidate or slate of candidates shall not be changed after
27 the ballot position has been designated by the county clerk.

1 ➔Section 11. KRS 118.315 is amended to read as follows:

- 2 (1) A candidate for any office to be voted for at any regular election may be nominated
3 by a petition of electors qualified to vote for him or her, complying with the
4 provisions of subsection (2) of this section. No person whose registration status is
5 as a registered member of a political party shall be eligible ~~for an~~^{to} election as an
6 independent, or political organization, or political group candidate, nor shall any
7 person be eligible ~~for an~~^{to} election as an independent, or political organization, or
8 political group candidate whose registration status was as a registered member of a
9 political party on January 1 immediately preceding the regular election for which
10 the person seeks to be a candidate. This restriction shall not apply to candidates to
11 those offices specified in KRS 118.105(6), **other than candidates for members of**
12 **independent school district boards of education, or candidates** for supervisor of a
13 soil and water conservation district, for candidates for mayor or legislative body in
14 cities of the home rule class, or to candidates participating in nonpartisan elections.
- 15 (2) The form of the petition shall be prescribed by the State Board of Elections. It shall
16 be signed by the candidate and by registered voters from the district or jurisdiction
17 from which the candidate seeks nomination. The petition shall include a
18 declaration, sworn to by the candidate, that he or she possesses all the constitutional
19 and statutory requirements of the office for which the candidate has filed.
20 Signatures for a petition of nomination for a candidate seeking any office,
21 excluding President of the United States in accordance with KRS 118.591(1), shall
22 not be affixed on the document to be filed prior to the first Wednesday after the first
23 Monday in November of the year preceding the year in which the office will appear
24 on the ballot. Signatures for nomination papers shall not be affixed on the document
25 to be filed prior to the first Wednesday after the first Monday in November of the
26 year preceding the year in which the office will appear on the ballot. A petition of
27 nomination for a state officer, or any officer for whom all the electors of the state

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

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

21 (4) The Secretary of State and county clerks shall examine the petitions of all
22 candidates who file with them to determine whether each petition is regular on its
23 face. If there is an error, the Secretary of State or the county clerk shall notify the
24 candidate by certified mail within twenty-four (24) hours of filing.

25 (5) A judge who elected to retire as a Senior Status Special Judge in accordance with
26 KRS 21.580 shall not become a candidate or a nominee for any elected office
27 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the

1 number of days served by the judge acting as a Senior Status Special Judge.

2 ➔Section 12. KRS 118.365 is amended to read as follows:

- 3 (1) Certificates of nomination issued by the State Board of Elections shall be filed by
4 that board with the Secretary of State immediately. The certificates issued by the
5 county board of elections shall be filed by that board with the county clerk
6 immediately.
- 7 (2) Petitions of nomination for candidates for city offices except as provided in KRS
8 83A.047, for candidates for members of *independent school district* boards of
9 education, and for candidates for supervisors of soil and water conservation districts
10 shall be filed with the county clerk not earlier than the first Wednesday after the
11 first Monday in November of the year preceding the year in which the office will
12 appear on the ballot and not later than the first Tuesday after the first Monday in
13 June preceding the day fixed by law for the holding of regular elections for the
14 offices sought. *Petitions of nomination for candidates for members of county*
15 *boards of education shall be filed with the county clerk not later than the first*
16 *Friday following the first Monday in January before the day fixed by KRS*
17 *Chapter 118 for holding a primary for the office.*
- 18 (3) Candidates for an office, the nomination to which is to be made by a convention
19 pursuant to KRS 118.325(1) and (2), except for the office of electors of President
20 and Vice President of the United States, shall file the statements required by KRS
21 118.325(3), with the official designated in KRS 118.165 with whom notification
22 and declaration are filed for the office, not earlier than the first Wednesday after the
23 first Monday in November of the year preceding the year in which the office will
24 appear on the ballot and not later than the first Tuesday after the first Monday in
25 June preceding the regular election for the office sought.
- 26 (4) Certificates of nomination made by the governing authority of a political party
27 within the meaning of KRS 118.015 or a political organization not constituting a

1 political party within the meaning of KRS 118.015 but whose candidate received
2 two percent (2%) of the vote of the state at the last preceding election for
3 presidential electors to fill vacancies in office, as provided in KRS 118.115 and
4 118.325, shall be filed as required with the Secretary of State or county clerk.

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

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

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

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

26 ➔Section 13. The following KRS sections are repealed:

27 160.250 Politics of candidate not to be indicated -- Definition of election booth.

- 1 160.260 Number of candidates to be voted for.