

1 AN ACT relating to privacy for attorneys involved in criminal actions.

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

3 ➔Section 1. KRS 14.302 is amended to read as follows:

4 (1) The Safe at Home Program is hereby established within the Office of the Secretary
5 of State.

6 (2) The Safe at Home Program shall be operated with the intent to protect:

7 **(a)** Victims of:

8 ~~1. (a)~~ Domestic violence;

9 ~~2. (b)~~ Human trafficking;

10 ~~3. (c)~~ Stalking;

11 ~~4. (d)~~ Sexual assault;

12 ~~5. (e)~~ Rape; and

13 ~~6. (f)~~ Other sexual crimes as defined by KRS 17.500;

14 **(b) Commonwealth's attorneys or assistant Commonwealth's attorneys;**

15 **(c) County attorneys or assistant county attorneys;**

16 **(d) Attorneys employed by:**

17 **1. The Department of Public Advocacy;**

18 **2. The Offices of the United States Attorneys; and**

19 **3. Western Kentucky Federal Community Defender, Inc.; and**

20 **(e) Attorneys appointed to a panel to represent indigent clients under the**
21 **Criminal Justice Act, 18 U.S.C. sec. 3006A.**

22 (3) The Safe at Home Program shall authorize the use of designated addresses for
23 victims, their minor children, and all other individuals residing with the victim.

24 (4) The Safe at Home Program shall be open to victims of a specified offense who are
25 United States citizens and residents of Kentucky, without any cost to the program
26 participant.

27 (5) The Secretary of State shall require that each person employed in the Office of the

1 Secretary of State directly responsible for the administration of the Safe at Home
 2 Program submit his or her fingerprints to the Department of State. The Department
 3 of State shall exchange fingerprint data with the Kentucky State Police and the
 4 Federal Bureau of Investigation in order to conduct a criminal history background
 5 check of each employee directly responsible for the administration of the program.

6 ➔Section 2. KRS 14.304 is amended to read as follows:

7 (1) Upon the creation of the Safe at Home Program, the following individuals may
 8 apply to the Secretary of State to have an address designated as his or her mailing
 9 address in place of his or her residential address:

10 (a) An adult victim;

11 (b) A parent or guardian acting on behalf of a minor when the minor resides with
 12 him or her;

13 (c) A guardian acting on behalf of an incapacitated individual who is a victim of a
 14 specified offense;~~and~~

15 (d) Any individuals residing with the victim; **and**

16 **(e) Anyone identified in subsection (2)(b) to (e) of Section 1 of this Act.**

17 (2) The Secretary of State shall approve an application if it is filed in the manner and
 18 on the form prescribed by the Secretary of State and if it contains:

19 (a) **1. For victims,** a sworn statement, under penalty of perjury, by the
 20 applicant that:

21 **a.**~~[1.]~~The applicant is a victim of a specified offense or resides in the
 22 same household as a victim of a specified offense;

23 **b.**~~[2.]~~The applicant fears for his or her own safety or the safety of
 24 another person who resides in the same household; and

25 **c.**~~[3.]~~The applicant is not applying for certification as a program
 26 participant in order to avoid prosecution for a crime; **or**

27 **2. For anyone identified in subsection (2)(b) to (e) of Section 1 of this**

1 *Act, a sworn statement, under penalty of perjury, by the applicant that:*

2 *a. He or she is qualified to request to participate in the program*

3 *under Section 1 of this Act; and*

4 *b. He or she desires to be a part of the program;*

5 (b) The mailing address and the phone number or numbers where the applicant
6 can be contacted by the Secretary of State or the Secretary of State's designee;

7 (c) The new address or addresses that the applicant requests not be disclosed for
8 the reason that disclosure will increase the risk of a specified offense,
9 jeopardize the applicant's safety, or increase the risk of violence to the
10 applicant or members of the applicant's household;

11 (d) The date the application was prepared, the applicant's signature, and, if
12 applicable, the signature of the application assistant who assisted the applicant
13 in applying to be a program participant; and

14 (e) A designation of the Secretary of State as agent for purposes of service of
15 process and for receipt of first class mail, legal documents, and certified mail.

16 (3) Applications shall be filed with the Office of the Secretary of State. Applicants may
17 choose to consult with an application assistant for assistance with the application
18 process or apply online directly through the portal designated by the Secretary of
19 State.

20 (4) Upon the filing of a properly completed application, the Secretary of State shall
21 certify the applicant as a program participant if the applicant is not required to
22 register as a sex offender or is not otherwise prohibited from participating in the
23 program.

24 (5) Applicants shall be certified for four (4) years following the date of filing unless the
25 certification is withdrawn or invalidated before that date. The Secretary of State
26 shall send notification of an expiring certification and a renewal form to a program
27 participant at least four (4) weeks prior to the expiration of the program participant's

1 certification. The renewal need only be signed by the applicant and need not be
2 made before an application assistant. The Secretary of State shall promulgate an
3 administrative regulation to establish a renewal procedure.

4 (6) A person who falsely attests in an application that disclosure of the address of the
5 applicant would endanger the safety of the applicant or the safety of the children of
6 the applicant, or the minor or incompetent person on whose behalf the application is
7 made, or household members residing with the applicant, or who knowingly
8 provides false or incorrect information upon making an application may be found
9 guilty of a violation of KRS 523.030.

10 (7) The addresses of individuals applying for entrance into the Safe at Home Program
11 and the addresses of those certified as program participants shall be exempt from
12 disclosure under the Kentucky Open Records Act, KRS 61.870 to KRS 61.884. An
13 agency may not require the program participant to submit any new address that
14 could be used to physically locate the participant. When creating a new public
15 record, state and local agencies shall accept the address designated by the Secretary
16 of State as a program participant's substitute address, unless the Secretary of State
17 has determined that:

18 (a) The agency has a bona fide statutory or administrative requirement for the use
19 of the address which would otherwise be confidential under this chapter; and

20 (b) This address will be used only for those statutory and administrative purposes.

21 (8) (a) As part of the application process established by the Secretary of State
22 pursuant to subsections (1) and (2) of this section, an applicant may request
23 that state or local agencies be notified that an applicant has been certified and
24 enrolled in the Safe at Home Program.

25 (b) 1. The Secretary of State shall provide to such agencies the address that
26 has been designated by the Secretary of State to serve as the mailing
27 address of the participant;

- 1 2. Agencies receiving such notification from the Secretary of State shall
2 change any existing records to reflect the new address submitted under
3 subparagraph 1. of this paragraph;
- 4 3. Notifications under this section shall not affect residency designations;
5 and
- 6 4. Subparagraph 2. of this paragraph shall not apply to paper records if
7 such records are more than five (5) years old and would be under the
8 normal course of business maintained or archived in the event of an
9 address change.
- 10 (9) Except as provided for in subsection (10) of this section, if a program participant
11 has notified a person in writing that he or she is a program participant, that person
12 shall not knowingly disclose the program participant's:
- 13 (a) Name;
- 14 (b) Home address;
- 15 (c) Work address; or
- 16 (d) School address.
- 17 (10) Any person to whom a program participant has provided written notification that he
18 or she is a program participant may knowingly disclose the program participant's
19 name, and home, work, or school address if that person also lives, works, or goes to
20 school at the address disclosed, or the participant has provided written consent to
21 disclosure of the participant's name, home, work, or school address, for the purpose
22 for which the disclosure will be made.
- 23 (11) A program participant shall notify the Office of the Secretary of State of a change
24 of address within fourteen (14) days of the change of address.
- 25 (12) The Secretary of State shall provide verification of an individual's enrollment in the
26 Safe at Home Program, as well as a personalized Safe at Home Program card. The
27 Safe at Home Program verification card shall contain the participant's name,

1 substitute address as designated by the Secretary of State, and any additional
2 information as determined necessary to include by the Secretary of State.

3 (13) Any person relocating or doing business in the Commonwealth of Kentucky who is
4 a participant in a program in another state that is similar to the Safe at Home
5 Program shall be deemed approved for inclusion in the Commonwealth of
6 Kentucky's program for one (1) year. The Secretary of State shall promulgate
7 administrative regulations establishing procedures necessary to recognize similar
8 programs from outside the Commonwealth of Kentucky and enroll their
9 participants. The following exceptions shall apply:

10 (a) If the person is temporarily residing in the Commonwealth of Kentucky, he or
11 she shall be considered a participant in the Safe at Home Program as long as
12 he or she continues participation in such a program of a home state; or

13 (b) If the person is not residing in the Commonwealth of Kentucky but is doing
14 business or engaged in other transactions there, the person shall be considered
15 a participant in the Safe at Home Program as long as he or she continues to
16 participate in a similar program in his or her state of residence.

17 ➔Section 3. KRS 118.125 is amended to read as follows:

18 (1) Except as provided in KRS 118.155, any person who is qualified under the
19 provisions of KRS 116.055 to vote in any primary for the candidates for nomination
20 by the party at whose hands he or she seeks the nomination, shall have his or her
21 name printed on the official ballot of his or her party for an office to which he or
22 she is eligible in that primary, upon filing, with the Secretary of State or county
23 clerk, as appropriate, at the proper time, a notification and declaration.

24 (2) The notification and declaration shall be in the form prescribed by the State Board
25 of Elections. It shall be signed by the candidate and by not less than two (2)
26 registered voters, who at the time of signing are of the same party as the candidate
27 and from the district or jurisdiction from which the candidate seeks nomination.

1 Signatures for nomination papers shall not be affixed on the document to be filed
 2 prior to the first Wednesday after the first Monday in November of the year
 3 preceding the year in which the office will appear on the ballot. The notification
 4 and declaration for a candidate shall include the following oath:

5 "For the purpose of having my name placed on the official primary election
 6 ballot as a candidate for nomination by the ----- Party, I, ----- (name in full as
 7 desired on the ballot as provided in KRS 118.129), do solemnly swear that my date
 8 of birth is ----- (month/day/year), that my residence address is ----- (street, route,
 9 highway, city if applicable, county, state, and zip code), that my mailing address, if
 10 different, is ----- (post office address), and that I am a registered ----- (party) voter;
 11 that I believe in the principles of the ----- Party, and intend to support its principles
 12 and policies; that I meet all the statutory and constitutional qualifications for the
 13 office which I am seeking; that if nominated as a candidate of such party at the
 14 ensuing election I will accept the nomination and not withdraw for reasons other
 15 than those stated in KRS 118.105(3); that I will not knowingly violate any election
 16 law or any law relating to corrupt and fraudulent practice in campaigns or elections
 17 in this state, and if finally elected I will qualify for the office."

18 The declaration shall be subscribed and sworn to before an officer authorized to
 19 administer an oath by the candidate and by the two (2) voters making the
 20 declaration and signing the candidate's petition for office. **The two (2) voters**
 21 **making the declaration and signing the candidate's petition for office shall not be**
 22 **participants in the Safe at Home Program under KRS 14.300 to 14.318. However,**
 23 **the signature of a Safe at Home program participant shall not invalidate the**
 24 **candidate's filing, shall not disqualify the candidate from appearing on the ballot,**
 25 **and shall not constitute grounds for challenging the candidate's nomination or**
 26 **election.**

27 (3) When the notice and declaration has been filed with the Secretary of State or county

1 clerk, as appropriate, and certified according to KRS 118.165, the Secretary of State
2 or county clerk, as appropriate, shall have the candidate's name printed on the ballot
3 according to the provisions of this chapter, except as provided in KRS 118.185.

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

7 ➔Section 4. KRS 118A.060 is amended to read as follows:

8 (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot,
9 including an absentee ballot, for an office of the Court of Justice without first
10 having been nominated as provided in this section.

11 (2) Each candidate for nomination shall file a petition for nomination with the
12 Secretary of State 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 Friday following the first Monday in January
15 preceding the day fixed by law for holding the primary for the office. The petition
16 shall be sworn to before an officer authorized to administer an oath by the candidate
17 and by not less than two (2) registered voters from the district or circuit from which
18 he or she seeks nomination. **The two (2) voters making the declaration and signing**
19 **the candidate's petition for office shall not be participants in the Safe at Home**
20 **Program under KRS 14.300 to 14.318. However, the signature of a Safe at Home**
21 **program participant shall not invalidate the candidate's filing, shall not**
22 **disqualify the candidate from appearing on the ballot, and shall not constitute**
23 **grounds for challenging the candidate's nomination or election.** Signatures for
24 nomination papers shall not be affixed on the document to be filed prior to the first
25 Wednesday after the first Monday in November of the year preceding the year in
26 which the office will appear on the ballot. The petition shall be filed no later than 4
27 p.m. local time at the place of filing when filed on the last date on which the papers

1 are permitted to be filed.

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

9 (b) The Secretary of State shall certify the exact spelling and form of the name of
10 the candidate to be printed on all ballots in accordance with the requirements
11 listed in KRS 118.129.

12 (4) The Secretary of State shall examine the petition of each candidate to determine
13 whether it is regular on its face. If there is an error, the Secretary of State shall
14 notify the candidate by certified mail within twenty-four (24) hours of filing. The
15 order of names on the ballot for each district or circuit, and numbered division if
16 divisions exist, shall be determined by lot at a public drawing to be held in the
17 office of the Secretary of State at 2 p.m., standard time, on the Thursday following
18 the filing deadline for the primary as established in this section and in KRS
19 83A.045 and 118.165.

20 (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and
21 after the order of names on the ballot has been determined as required in subsection
22 (4) of this section, the Secretary of State shall:

23 (a) Certify to the county clerks of the respective counties entitled to participate in
24 the election of the various candidates, the name and place of residence of each
25 candidate for each office, by district or circuit, and numbered division if
26 divisions exist, as specified in the petitions for nomination filed with him or
27 her; and

- 1 (b) Designate for the county clerks the office of the Court of Justice with which
2 the names of candidates shall be printed and the order in which they are to
3 appear on the ballot.
- 4 (6) The ballot position of a candidate shall not be changed after the ballot position has
5 been designated by the Secretary of State.
- 6 (7) The county clerks of each county shall cause to be printed on the ballots for the
7 primary the names of the candidates for offices in the Court of Justice.
- 8 (8) The names of the candidates shall be placed on the ballots in a separate column or
9 columns or in a separate line or lines and identified by the words "Judicial Ballot."
10 The words "Vote for one," or "Vote for one in each division," shall be printed on
11 the ballot in an appropriate location. The office, numbered division if divisions
12 exist, and the candidates shall be clearly labeled. No party designation or emblem
13 of any kind, nor any sign indicating any candidate's political belief or party
14 affiliation, shall be used on the ballots.
- 15 (9) The two (2) candidates receiving the highest number of votes for nomination for
16 justice or judge of a district or circuit, or numbered division if divisions exist, shall
17 be nominated. Certificates of nomination shall be issued as provided in KRS
18 118A.190.
- 19 (10) If it appears after expiration of the time for filing petitions for nomination that there
20 are not more than two (2) candidates who have filed the necessary petitions for a
21 place on the ballot in the regular election, no drawing for ballot position shall be
22 held and the Secretary of State shall immediately issue and file in the Secretary's
23 office certificates of nomination, and send copies to the candidates.
- 24 ➔Section 5. This Act takes effect January 1, 2027.