

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 67.060 is amended to read as follows:

4 (1) If a majority of the votes cast at an election held under KRS 67.050 are in favor of  
5 the fiscal court being composed of the county judge/executive and three (3)  
6 commissioners, the county judge/executive shall, no later than the first Monday in  
7 January in the year of the regular election for county officers, divide the county into  
8 three (3) districts as nearly equal in population as practicable, and shall establish the  
9 boundary lines of each of the three (3) commissioner districts so that each district is  
10 an unbroken area and not split or divided by another commissioner district. At the  
11 next regular election for county officers, and every four (4) years thereafter, there  
12 shall be elected by the voters of the entire county three (3) commissioners, one (1)  
13 from each district who, with the county judge/executive, shall constitute the fiscal  
14 court.

15 (2) (a) In any county containing a city of the first class, which county has heretofore  
16 voted in favor of a fiscal court composed of the county judge/executive and  
17 three (3) county commissioners, the county judge/executive shall divide the  
18 county into three (3) districts as provided in subsection (1) of this section, the  
19 districts to be designated for identification purposes by the letters A, B and C,  
20 respectively.

21 (b) The three (3) commissioners shall be elected by the qualified voters of the  
22 county at large at regular elections held every four (4) years.~~[-One~~  
23 ~~commissioner shall represent District A and shall be elected at the regular~~  
24 ~~election in the year 1973, and two (2) commissioners who shall represent~~  
25 ~~Districts B and C, respectively, shall be elected at the regular election in the~~  
26 ~~year 1975.]~~

27 (3) Persons seeking the nomination of a political party as candidate for the office of

1 county commissioner shall, where a primary election is required for such political  
2 party, be voted upon exclusively by the eligible voters of the district in which the  
3 person resides and seeks to represent. Persons seeking the nomination of a minor  
4 political party persons who file as independent candidates or persons seeking the  
5 nomination in counties containing a city with a population equal to or greater than  
6 eight thousand (8,000) as determined by the most recent federal decennial census  
7 but not a city of the first class shall not be subject to the provisions of this  
8 paragraph. They shall be nominated by the voters of the entire county.

9 (4) To be eligible for election as a commissioner representing one of the three (3)  
10 districts, a person shall have been a bona fide resident of the district he or she  
11 proposes to represent for at least one (1) year immediately preceding the election,  
12 and, upon election, shall continue to reside within the district he or she was elected  
13 to represent for the duration of his or her term of office, under penalty of forfeiture  
14 of the office.

15 (5) Commissioners elected under this section shall take the oath of office and enter  
16 upon the discharge of their duties on the first Monday in January after their  
17 election, and shall serve for terms of four (4) years and until their successors are  
18 elected and qualify, or until the effective date of a return to a fiscal court composed  
19 of justices of the peace and the county judge/executive.

20 (6) ~~A [No] person [is]~~ eligible to be a county commissioner shall be at the time of his  
21 or her election or appointment, and for the duration of his or her term of office  
22 ~~[unless he is]:~~

23 (a) At least twenty-four (24) years of age;

24 (b) A citizen of the United States;

25 (c) A citizen of the United States for at least eighteen (18) years immediately  
26 preceding his or her election or appointment;

27 (d) A citizen or national of only the United States and no other foreign state or

1 country;

2 (e) A citizen or national of only the United States and no other foreign state or  
 3 country for the eighteen (18) years immediately preceding his or her  
 4 election or appointment;~~and~~

5 (f) A resident of the county for which he or she may be chosen~~has been~~ for  
 6 two (2) years immediately~~next~~ preceding his or her election or  
 7 appointment~~a resident of the county~~; and

8 (g) A resident~~citizen~~ of Kentucky.

9 ➔Section 2. KRS 83A.040 is amended to read as follows:

10 (1) (a) A mayor shall be elected by the voters of each city at a regular election.~~A~~  
 11 ~~candidate for mayor shall be a resident of the city for not less than one (1)~~  
 12 ~~year prior to his or her election.]~~ His or her term of office shall begin on the  
 13 first day of January following his or her election and shall be for four (4)  
 14 years and until his or her successor qualifies. If a person is elected or  
 15 appointed as mayor in response to a vacancy and serves less than four (4)  
 16 calendar years, then that period of service shall not be considered for purposes  
 17 of re-election a term of office.

18 (b) A candidate for mayor shall be at the time of his or her election or  
 19 appointment, and for the duration of his or her term of office:

20 1. At least twenty-one (21) years of age;~~;~~

21 2. A citizen of the United States;~~shall be~~

22 3. A citizen of the United States for at least eighteen (18) years  
 23 immediately preceding his or her election or appointment;

24 4. A citizen or national of only the United States and no other foreign  
 25 state or country;

26 5. A citizen or national of only the United States and no other foreign  
 27 state or country for the eighteen (18) years immediately preceding his

1 or her election or appointment;

2 6. A qualified voter in the city for which he or she may be chosen;~~[- and~~  
3 ~~shall reside]~~

4 7. A resident in the city for which he or she may be chosen throughout his  
5 or her term of office; and

6 8. A resident in the city for which he or she may be chosen for at least  
7 one (1) year immediately preceding his or her election or appointment.

8 (2) If a vacancy occurs in the office of mayor, the following provisions shall apply:

9 (a) The legislative body of the city shall fill the vacancy within thirty (30) days;

10 (b) A member of the legislative body in any city organized and governed under  
11 the commission plan as provided by KRS 83A.140 or city manager plan as  
12 provided by KRS 83A.150 may vote for himself or herself;

13 (c) A member of the legislative body in any city organized and governed under  
14 the mayor-council plan as provided by KRS 83A.130 and in any city of the  
15 first class organized under the mayor-alderman plan as provided by KRS  
16 Chapter 83 shall not vote for himself or herself; and

17 (d) The legislative body shall elect from among its members an individual to  
18 preside over meetings of the legislative body during any vacancy in the office  
19 of mayor in accordance with the provisions of KRS 83A.130 to 83A.150.

20 (3) When voting to fill the vacancy created by a resignation of a mayor the resigning  
21 mayor shall not vote on his or her successor.

22 (4) (a) Each legislative body member shall be elected at large by the voters of each  
23 city at a regular election.~~[- A candidate for a legislative body shall be a~~  
24 ~~resident of the city for not less than one (1) year prior to his or her election.]~~  
25 His or her term of office shall begin on the first day of January following his  
26 or her election and shall be for two (2) years, except as provided by KRS  
27 83A.050.

1       **(b)** A **candidate for** member **of a legislative body** shall be **at the time of his or**  
2       **her election or appointment, and for the duration of his or her term of**  
3       **office:**

4       **1.** At least eighteen (18) years of age;~~[-, shall be]~~

5       **2.** **A citizen of the United States;**

6       **3.** **A citizen of the United States for at least eighteen (18) years**  
7       **immediately preceding his or her election or appointment;**

8       **4.** **A citizen or national of only the United States and no other foreign**  
9       **state or country;**

10       **5.** **A citizen or national of only the United States and no other foreign**  
11       **state or country for the eighteen (18) years immediately preceding his**  
12       **or her election or appointment;**

13       **6.** A qualified voter in the city **for which he or she may be chosen;**

14       **7.** **A resident in the city for which he or she may be chosen for at least**  
15       **one (1) year immediately preceding his or her election or appointment;**  
16       **and**~~[-, and shall reside]~~

17       **8.** **A resident** in the city **for which he or she may be chosen** throughout his  
18       or her term of office.

19       (5) If one (1) or more vacancies on a legislative body occur in a way that one (1) or  
20       more members remain seated, the remaining members shall within thirty (30) days  
21       fill the vacancies one (1) at a time, giving each new appointee reasonable notice of  
22       his or her selection as will enable him or her to meet and act with the remaining  
23       members in making further appointments until all vacancies are filled. If vacancies  
24       occur in a way that all seats become vacant, the Governor shall appoint qualified  
25       persons to fill the vacancies sufficient to constitute a quorum. Remaining vacancies  
26       shall be filled as provided in this section.

27       (6) If for any reason, any vacancy in the office of mayor or the legislative body is not

1 filled within thirty (30) days after it occurs, the Governor shall promptly fill the  
2 vacancy by appointment of a qualified person who shall serve for the same period  
3 as if otherwise appointed.

4 (7) No vacancy by reason of voluntary resignation in the office of mayor or on a  
5 legislative body shall occur unless a written resignation which specifies a  
6 resignation date is tendered to the legislative body. The resignation may be  
7 submitted through electronic mail if it originates from the official's electronic mail  
8 address and includes also the official's handwritten signature. The resignation shall  
9 be effective at the next regular or special meeting of the city legislative body  
10 occurring on or after the date specified in the written letter of resignation. If a  
11 resignation date is not specified, the written resignation shall be deemed to become  
12 effective at the first regular or special meeting of the legislative body occurring on  
13 or after its receipt.

14 (8) Pursuant to KRS 118.305(7), if a vacancy occurs which is required by law to be  
15 filled temporarily by appointment, the legislative body or the Governor, whichever  
16 is designated to make the appointment, shall immediately notify in writing both the  
17 county clerk and the Secretary of State of the vacancy.

18 (9) Except in cities of the first class, any elected officer, in case of misconduct,  
19 incapacity, or willful neglect in the performance of the duties of his or her office,  
20 may be removed from office by a unanimous vote of the members of the legislative  
21 body exclusive of any member to be removed, who shall not vote in the deliberation  
22 of his or her removal. No elected officer shall be removed without having been  
23 given the right to a full public hearing. The officer, if removed, shall have the right  
24 to appeal to the Circuit Court of the county and the appeal shall be on the record.  
25 No officer so removed shall be eligible to fill the office vacated before the  
26 expiration of the term to which originally elected.

27 (10) Removal of an elected officer in cities of the first class shall be governed by the

provisions of KRS 83.660.

➔Section 3. KRS 160.180 is amended to read as follows:

(1) As used in this section, "relative" means father, mother, brother, sister, husband, wife, son, and daughter.

(2) A person ~~[shall only be]~~ eligible for membership on a board of education **shall at the time of his or her election or appointment, and for the duration of his or her term of office**~~[if the person]:~~

(a) **Be at least**~~[Has attained the age of]~~ twenty-four (24) years **of age**;

(b) **Be a citizen of the United States;**

(c) **Be a citizen of the United States for at least eighteen (18) years immediately preceding his or her election or appointment;**

(d) **Be a citizen or national of only the United States and no other foreign state or country;**

(e) **Be a citizen or national of only the United States and no other foreign state or country for the eighteen (18) years immediately preceding his or her election or appointment;**

(f) **Have**~~[Has]~~ been a **resident**~~[citizen]~~ of Kentucky for at least three (3) years **immediately** preceding the election **or appointment;**~~[and]~~

(g) **Be**~~[Is]~~ a voter of the district for which he or she is elected **or appointed;**

(h)~~[(e)]~~ **Have**~~[Has]~~ completed at least the twelfth grade or has been issued a High School Equivalency Diploma, as evidenced by:

1. An affidavit signed under penalty of perjury certifying completion of the twelfth grade or the equivalent that has been filed with the nominating petition required by KRS 118.315; or
2. A transcript evidencing completion of the twelfth grade or the results of a twelfth grade equivalency examination that has been filed with the nominating petition required by KRS 118.315;

1        ~~(i)(d)~~    ~~{Does}~~ Not hold any elective federal, state, county, or city office;

2        ~~(i)(e)~~    ~~{Is}~~ Not, at the time of his or her election, **be** directly or indirectly  
3            interested in the sale to the board of books, stationery, or any other property,  
4            materials, supplies, equipment, or services for which school funds are  
5            expended;

6        ~~(k)(f)~~    **Have**~~{Has}~~ not been removed from membership on a board of education  
7            for cause; and

8        ~~(L)(g)~~    ~~{Does}~~ Not have a relative employed by the school district, in the case of  
9            a person elected after July 13, 1990. This shall not apply to a board member  
10          holding office on July 13, 1990, whose relative was not initially hired by the  
11          district during the tenure of the board member.

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

- 14            1.    Becomes interested in any contract with or claims against the board, of  
15                  the kind mentioned in subsection (2)(e) of this section;
- 16            2.    Moves his or her residence from the division for which he or she was  
17                  chosen;
- 18            3.    Attempts to influence the employment of any school employee, except  
19                  the superintendent or school board attorney;
- 20            4.    Is convicted of a felony;
- 21            5.    Performs acts of malfeasance in performance of duties prescribed by  
22                  law;
- 23            6.    Willfully misuses, converts, or misappropriates public property or funds;  
24                  or
- 25            7.    Does anything that would render the member ineligible for reelection.

26            (b)   In accordance with KRS 7.410, the Office of Education Accountability shall  
27                  have the duty and responsibility to investigate current local board of education



1 members for allegations of conduct prohibited by paragraph (a) of this  
2 subsection. After review and investigation, the Office of Education  
3 Accountability shall refer appropriate matters to the Attorney General.

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

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

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

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

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

12 The Kentucky Board of Education shall identify the criteria for fulfilling this  
13 requirement.

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

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

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

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

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

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

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

27 (b) Training topics for members under this subsection with less than two (2) years

1 of consecutive service shall include three (3) hours of finance and one (1)  
2 hour of superintendent evaluation within the first two (2) years of service. The  
3 Kentucky Board of Education shall identify criteria for fulfilling this  
4 requirement.

5 ➔Section 4. KRS 262.240 is amended to read as follows:

6 (1) A supervisor's term begins on January 1 following his or her election. Supervisors  
7 shall be elected for four (4) years as their terms expire. Nominating petitions for  
8 supervisors shall be filed with the county clerk not later than the last date prescribed  
9 by the election law generally for filing certificates and petitions of nomination. No  
10 such nominating petition shall be accepted by the clerk unless it is signed by  
11 twenty-five (25) or more qualified resident voters of the district. Qualified resident  
12 voters may sign more than one (1) nominating petition to nominate more than one  
13 (1) candidate for supervisor. In the event nominating petitions for only the number  
14 of supervisors to be elected are filed, the commission shall declare the nominees  
15 elected without holding an election. The county clerk shall examine the petition of  
16 each candidate to determine whether it is regular on its face. If there is an error, the  
17 county clerk shall notify the candidate by certified mail within twenty-four (24)  
18 hours of filing.

19 (2) A supervisor shall hold office until his or her successor has been elected and has  
20 qualified. Vacancies shall be filled for the unexpired term by appointment by the  
21 commission.

22 (3) A supervisor may be reimbursed for expenses necessarily incurred in the discharge  
23 of his or her duties and may be paid a per diem for attending meetings or otherwise  
24 discharging the obligations of his or her office.

25 (4) (a) A supervisor shall be at the time of his or her election or appointment, and  
26 for the duration of his or her term of office:

27 1. At least eighteen (18) years of age;{.}.

- 1                    2. A citizen of the United States;
- 2                    3. A citizen of the United States for at least eighteen (18) years
- 3                    immediately preceding his or her election or appointment;
- 4                    4. A citizen or national of only the United States and no other foreign
- 5                    state or country;
- 6                    5. A citizen or national of only the United States and no other foreign
- 7                    state or country for the eighteen (18) years immediately preceding his
- 8                    or her election or appointment; and
- 9                    6. A resident of the county or district in which he or she serves as a
- 10                   supervisor. ~~[, and]~~
- 11                   (b) Upon moving from the county or district, the supervisor shall be ineligible to
- 12                   serve as a supervisor and his or her office shall be vacant.
- 13                   (5) A supervisor who has been declared elected without an election pursuant to
- 14                   subsection (1) of this section may be removed from office by the commission in the
- 15                   same manner as provided by KRS 65.007 for removal of an appointed member of
- 16                   the governing body of a special district.
- 17                   (6) A supervisor serving on the board of a district shall be immune from personal
- 18                   liability in any civil or criminal action which is based upon any official act or acts
- 19                   performed reasonably and in good faith by the supervisor.