

1 AN ACT relating to election officers.

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

3 ➔Section 1. KRS 117.045 is amended to read as follows:

- 4 (1) (a) The county board of elections shall in the manner prescribed by this section,
5 not later than March 20 each year, except in a year in which no primary and
6 regular elections are scheduled, appoint for each precinct in the county two
7 (2) judges, one (1) clerk and one (1) sheriff of election. They shall serve in all
8 elections held in the county during the year, except for minors seventeen (17)
9 years of age who will become eighteen (18) years of age on or before the day
10 of the regular election who may only serve as election officers for the primary
11 and regular elections as provided in subsection (9) of this section.
- 12 (b) If a special election is ordered to be held in a year in which no elections are
13 scheduled, the county executive committee of each political party in each
14 county in the territory affected by the special election shall, not later than
15 twenty-eight (28) days preceding the date of the special election, submit a
16 written list of nominees for precinct election officers to serve in the special
17 election in a manner consistent with the provisions of subsection (2) of this
18 section. The county board of elections in each county in the territory affected
19 by the special election shall, not later than twenty-one (21) days preceding the
20 date of the special election, appoint precinct election officers to serve in the
21 special election in a manner consistent with the provisions of subsections (4),
22 (5), and (6) of this section.
- 23 (c) The State Board of Elections shall promulgate an administrative regulation
24 under KRS Chapter 13A establishing evaluation procedures which county
25 boards of elections may use to qualify persons nominated to serve as precinct
26 election officers.
- 27 (2) The county executive committees of the two (2) political parties having

1 representation on the State Board of Elections may, on or before March 15 each
2 year, designate in writing to the county board of elections a list of not less than four
3 (4) names for each precinct; except that, in any precinct where there are not as
4 many as four (4) persons possessing the qualifications of an election officer
5 belonging to the political party filing the list, or when the State Board of Elections
6 has approved a county board of elections' precinct consolidation plan requesting a
7 lesser number of precinct officers, a lesser number may be designated. If there are
8 two (2) or more contending executive committees of the same party in any county,
9 the one recognized by the written certificate of the chair of the state central
10 committee of the party shall be the one authorized to submit the lists. The lists shall
11 contain the full name, address, phone number, and Social Security number, if
12 available, of each person listed. The lists shall be accompanied by a signed
13 statement from each person stating that he or she is willing to serve, has not failed
14 to serve without excuse in the past, and has not been convicted of an election law
15 offense or any felony, unless the person's civil rights have been restored by the
16 Governor. The State Board of Elections shall prescribe the form of the list by
17 administrative regulation promulgated under KRS Chapter 13A.

18 (3) The Attorney General shall notify each party state central committee of the duties
19 of the party.

20 (4) (a) If lists are submitted by the county executive committees under subsection (2)
21 of this section, the county board of elections shall select one (1) judge at each
22 voting place from each political party's list, and the county board shall select
23 the sheriff from one (1) political party's list and the clerk from the other.

24 (b) If no lists are submitted by the county executive committees under subsection
25 (2) of this section, the two (2) members of the county board of elections who
26 are appointed by the State Board of Elections may submit lists; and the county
27 board of elections shall select the sheriff and one (1) judge from one (1) list

- 1 and the clerk and the other judge from the remaining list.
- 2 (c) If no lists are submitted by the county executive committees under subsection
- 3 (2) of this section, or by the county board of elections under paragraph (b) of
- 4 this subsection, the county clerk shall select the sheriff and one (1) judge from
- 5 the membership of one (1) party and the clerk and the other judge from the
- 6 membership of the remaining party. If no members of one (1) of the two (2)
- 7 political parties are available or willing to serve as a judge, the county clerk
- 8 shall select any qualified and registered voter within the county to serve as a
- 9 judge at a voting place.
- 10 (d) The county board of elections shall, when possible, also appoint an adequate
- 11 number of alternate precinct election officers from names on the lists which
- 12 were submitted but which were not selected by the county board as precinct
- 13 election officers. If alternate precinct election officers are not appointed from
- 14 the lists of nominees who were not selected as precinct election officers, the
- 15 county board of elections shall submit its method of selecting alternate
- 16 precinct election officers to the State Board of Elections for its approval. If no
- 17 lists are submitted to the county board of elections as provided in this
- 18 subsection, the county clerk shall select an adequate number of alternate
- 19 precinct election officers.
- 20 (e) The names of all precinct election officers and alternate precinct election
- 21 officers selected by the county clerk shall be submitted to the county board of
- 22 elections for its approval.
- 23 (f) Nothing in this subsection shall prevent the selection of any registered and
- 24 qualified voter who is not registered with either of the two (2) political parties
- 25 to serve as a precinct election officer in a precinct in which the officer resides
- 26 or as otherwise provided in this subsection.
- 27 (5) If, after all reasonable efforts have been made, neither the county board of elections

- 1 nor the county clerk are able to find two (2) qualified officers for each precinct who
2 are affiliated with the two (2) political parties having representation on the State
3 Board of Elections or any other qualified and registered voter within the county, the
4 county board of elections shall submit a list of emergency election officer
5 appointments to the State Board of Elections. The county board of elections shall
6 also present, in writing, its efforts to recruit and appoint election officers as
7 prescribed in subsection (4) of this section. The State Board of Elections, after its
8 review, may approve any or all of the emergency appointments submitted by the
9 county board of elections or may direct the county board to take other action. Any
10 emergency appointment shall be made for the next ensuing election only.
- 11 (6) In addition to precinct election officers appointed under subsection (1) of this
12 section, a county board of elections or the county clerk may appoint up to two (2)
13 additional precinct election officers per precinct with the approval of the State
14 Board of Elections. The State Board of Elections shall promulgate an administrative
15 regulation under KRS Chapter 13A establishing conditions under which additional
16 precinct officers may be approved.
- 17 (7) The county board of elections shall, not less than ten (10) days before the next
18 ensuing election, send to each election officer written notice of his or her
19 appointment. The county board of elections may direct the sheriff of the county to
20 serve the notice of appointment, if it deems the action is necessary.
- 21 (8) The State Board of Elections may require the county board of elections to submit its
22 list of precinct officers for review. The State Board of Elections may, after a
23 hearing, direct the removal of any election officer who the board finds would not
24 fairly administer the state election laws. The State Board of Elections shall provide
25 for the method and manner of the hearing by administrative regulation promulgated
26 under KRS Chapter 13A, and shall replace any officer so removed.
- 27 (9) (a) An election officer shall be a qualified voter of the precinct; except that,

1 where no qualified voter of the required political party is available within the
2 precinct, the election officer shall be a qualified voter of the county.

3 (b) A minor seventeen (17) years of age who will become eighteen (18) years of
4 age on or before the day of the regular election may serve as an election
5 officer for the primary and regular elections in which he or she is qualified to
6 vote; however, no precinct shall have more than one (1) person serving as an
7 election officer who is a minor seventeen (17) years of age.

8 (c) An election officer shall not be a candidate for office during the election year.

9 (d) An election officer shall not be the spouse, parent, brother, sister, or child of a
10 candidate who is to be voted for at the election in the precinct in which the
11 election officer will serve on election day.

12 (e) An election officer shall not have changed his or her voter registration party
13 affiliation after December 31 immediately preceding his or her appointment to
14 serve for the primary, or after the second Tuesday in August to serve for the
15 regular election.

16 (f) An election officer may be removed, for cause, at any time up to five (5) days
17 before an election. Vacancies shall be filled by the county board of elections
18 or the county clerk with alternate precinct election officers and if the vacancy
19 occurs in the appointment of a judge, the person appointed to fill the vacancy
20 shall be of the same political affiliation as the vacating officer, except for
21 emergency appointments made as provided in subsection (5) of this section.

22 (10) If the county board of elections or the county clerk fails to appoint election officers,
23 or if any officer is not present at the precinct at the time for commencing the
24 election, or refuses to act, and if no alternate is available, the officer in attendance
25 representing the political party of the absentee shall appoint a suitable person to act
26 in his or her place for that election. If both representatives of the same political
27 party are absent, qualified voters present affiliating with that party shall elect, viva

- 2 (11) Each election officer shall be paid a minimum of one hundred twenty[sixty] dollars
3 ~~(\$120)~~~~(\$60)~~ per election day served, and such an additional amount as
4 compensation as may be determined by the county board of elections, with the
5 approval of the governing body which would be responsible for funding the election
6 officers' pay, for each election in which the election officer serves, to be paid by the
7 county. For delivering the election packets to the polls, the precinct election officers
8 shall additionally receive the mileage reimbursement provided for state employees,
9 for each mile necessarily traveled in the delivery of the packets to the polls, or a flat
10 fee if the fee equals or exceeds that amount. For delivering election returns, the
11 precinct election judges shall additionally receive the mileage reimbursement
12 provided for state employees for each mile necessarily traveled in the delivery of
13 election returns, or a flat fee if the fee equals or exceeds that amount. The fee paid
14 to the precinct election judges for delivering election returns shall be paid by the
15 county.