

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 118.425 is amended to read as follows:

- 4 (1) The State Board of Elections shall issue certificates of election where the successful
5 candidate was voted for by the state at large, was voted for by a district greater than
6 one (1) county, or was a candidate for member of Congress or the General
7 Assembly.
- 8 (2) Except as provided in subsection (3) of this section, not later than the second
9 Monday after the election, the county board of elections shall issue certificates of
10 election where the successful candidate was voted for by the electors of one (1)
11 county, or of a district less than one (1) county, except members of Congress,
12 members of the General Assembly, and designated officers filing with the Secretary
13 of State. The right to contest or recount an election in accordance with KRS
14 Chapter 120 shall not be impaired. The county board of elections of the candidate's
15 residence shall issue certificates of election where the successful candidate was
16 voted for by the electors of a city or school district whose boundaries extend
17 beyond those of a single county. The board shall forward the certificate to the
18 elected candidate. If the board finds that two (2) or more candidates have received
19 the highest and equal number of votes for the same office, the board shall determine
20 by lot which of the candidates is elected.
- 21 (3) In counties containing cities of the first class, not later than the thirtieth day of
22 December after the election, the county board of elections shall issue certificates of
23 election where the successful candidate was voted for by the electors of the county,
24 except members of Congress, members of the General Assembly, and designated
25 officers filing with the Secretary of State. The right to contest or recount an election
26 in accordance with KRS Chapter 120 shall not be impaired. The county board of
27 elections of the candidate's residence shall issue certificates of election where the

1 successful candidate was voted for by the electors of a city whose boundaries
2 extend beyond those of a single county. The board shall forward the certificate to
3 the elected candidate. If the board finds that two (2) or more candidates have
4 received the highest and equal number of votes for the same office, the board shall
5 determine by lot which of the candidates is elected.

6 (4) In the case of all offices voted for, and in the case of public questions submitted to
7 the vote of the people of the state at large or of a district greater than one (1)
8 county, the county board of elections shall make out duplicate certificates of the
9 total number of votes received by each of the candidates for the office and the total
10 number of votes for and against each of the questions on a form prescribed by the
11 State Board of Elections through the promulgation of administrative regulations in
12 accordance with KRS Chapter 13A. The certificate of the total number of votes
13 shall be certified to the Secretary of State's Office following the conclusion of the
14 hand-to-eye audit established in KRS 117.383 and not later than 12 p.m., prevailing
15 time, on the Tuesday following all elections. The clerk shall keep one (1) of the
16 certificates in his or her office. He or she shall not later than three (3) days after
17 receiving the certificate from the board, forward the other certificate by mail to the
18 Secretary of State who shall deliver it to the State Board of Elections.

19 (5) The State Board of Elections shall meet, to count and tabulate the votes received by
20 the different candidates as certified to the Secretary of State no later than the third
21 Monday after the election. The right to contest or recount an election in accordance
22 with KRS Chapter 120 shall not be impaired. A majority of the members of the
23 board shall constitute a quorum and may act. The board shall make out the
24 certificates of election in the office of the board from the returns made. The board
25 shall make out duplicate certificates of election, in writing, over the signatures of its
26 members. The board shall forward the original certificate, by mail, to the elected
27 candidate. The duplicate shall be retained in the office of the board. In the case of

1 the election of a representative in Congress, an additional certificate shall be made
2 and sent, by mail, to the clerk of the House of Representatives.

3 (6) The certificate of election shall be issued to the candidate receiving the highest
4 number of votes in the territory from which the election is to be made. If two (2) or
5 more persons are found to have received the highest and an equal number of votes
6 for the same office, the election shall be determined by lot in the manner the board
7 directs, in the presence of not less than three (3) other persons.

8 (7) In the case of elections for electors of President and Vice President of the United
9 States **that this state is entitled to elect:**~~[,]~~

10 (a) The board shall issue **certificates**~~[a certificate]~~ of election to **two (2)**
11 **electors**~~[each elector]~~ of the political party or organization whose candidates
12 for President and Vice President received the highest number of votes **by the**
13 **state at large;** and

14 (b) **The board shall issue the remaining certificates of election of this state to**
15 **electors of a political party or organization proportionally based on the**
16 **share of the total statewide popular vote received by that political party or**
17 **organization's candidate for President and Vice President as follows:**

18 **1. To qualify for issuance of certificates of election to the electors of their**
19 **political party or organization, candidates for President and Vice**
20 **President shall receive at least ten percent (10%) of the statewide**
21 **popular vote as determined by the Secretary of State. Those political**
22 **parties or organizations whose candidates for President and Vice**
23 **President do not receive at least ten percent (10%) of the statewide**
24 **popular vote as determined by the Secretary of State are ineligible and**
25 **shall not receive certificates of election to their electors;**

26 **2. The Secretary of State shall determine and certify the percentage of**
27 **the statewide popular vote received by each qualifying pair of**

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candidates for President and Vice President;

3. The total number of remaining certificates of election that this state is entitled to issue shall be multiplied by the percentages of the vote determined by the Secretary of State under subparagraph 2. of this paragraph. Each political party or organization shall first be issued a number of certificates of election to electors equal to the whole number portion of that calculation; and

4. If any certificates of election remain unissued after distribution of the whole number portion pursuant to subparagraph 3. of this paragraph, the remaining certificates of election shall be awarded one (1) at a time to the electors of the political party or organization with the largest fractional remainders, in descending order, until all certificates of election are issued ~~the determination by the board that the candidates of any political party or organization for President and Vice President have received the highest number of votes shall constitute a determination that the electors nominated by that party have been elected~~.