

1 AN ACT relating to elections.

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

3 ➔Section 1. KRS 118.215 is amended to read as follows:

4 (1) After the order of the names has been determined as provided in KRS 118.225, the
 5 Secretary of State shall certify, to the county clerks of the respective counties
 6 entitled to participate in the nomination or election of the respective candidates, the
 7 name, place of residence, and party of each candidate or slate of candidates for each
 8 office, as specified in the nomination papers or certificates and petitions of
 9 nomination filed with him or her, and shall designate the device with which the
 10 candidate groups, slates of candidates, or lists of candidates of each party shall be
 11 printed, in the order in which they are to appear on the ballot, with precedence to be
 12 given to the party that polled the highest number of votes at the preceding election
 13 for presidential electors, followed by the political party which received the second
 14 highest number of votes, with the order of any other political parties and
 15 independents to be determined by lot. **For the primary**, candidates for county
 16 offices and local state offices shall be listed in the following order:
 17 ~~{Commonwealth's attorney, circuit clerk, }~~property valuation administrator, county
 18 judge/executive, ~~{county attorney, county clerk, sheriff, jailer, }~~county
 19 commissioner, ~~{coroner, }~~justice of the peace, and constable. **For the regular**
 20 **election, candidates for county offices and local state offices shall be listed in the**
 21 **following order: Commonwealth's attorney, circuit clerk, property valuation**
 22 **administrator, county judge/executive, county attorney, county clerk, sheriff,**
 23 **jailer, county commissioner, coroner, justice of the peace, and constable.** The
 24 names of candidates for President and Vice President shall be certified in lieu of
 25 certifying the names of the candidates for presidential electors. The names shall be
 26 certified as follows:

27 (a) Not later than the second Monday after the filing deadline for the primary as

1 established in KRS 83A.045, 118.165, and 118A.060;

2 (b) Not later than the second Monday following the filing deadline for the regular
3 election, except as provided in paragraph (c) of this subsection; and

4 (c) Not later than the Monday after the Friday following the first Tuesday in
5 September preceding a regular election, for those years in which there is an
6 election for President and Vice President of the United States.

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

19 (3) The ballots used at any election in which city officers are to be elected as provided
20 in subsection (2) of this section shall contain the names of candidates for the city
21 offices grouped according to the offices they seek, and the candidates shall be
22 immediately arranged with and designated by the title of office they seek. The order
23 in which the names of the candidates for each office are to be printed on the ballot
24 shall be determined by lot. Each group of candidates for each separate office for
25 which the candidates are to be elected shall be clearly separated from other groups
26 on the ballot and spaced to avoid confusion on the part of the voter.

27 (4) The Secretary of State shall not knowingly certify to the county clerk of any county

1 the name of any candidate or slate of candidates who has not filed the required
 2 nomination papers, nor knowingly fail to certify the name of any candidate or slate
 3 of candidates who has filed the required nomination papers.

4 (5) If the county clerk determines that the number of certified candidates or slates of
 5 candidates cannot be placed on a ballot which can be accommodated by the voting
 6 equipment currently in use by the county, he or she shall so notify the State Board
 7 of Elections not later than the last Tuesday in February preceding the primary or the
 8 last Tuesday in August preceding the regular election. The State Board of Elections
 9 shall meet within five (5) days of the notice, review the ballot conditions, and
 10 determine whether supplemental paper ballots are necessary for the election. Upon
 11 approval of the State Board of Elections, supplemental paper ballots may be used
 12 for nonpartisan candidates or slates of candidates for an office or offices and public
 13 questions submitted for a yes or no vote. All candidates or slates of candidates for
 14 any particular office shall be placed either on the ballot or on the supplemental
 15 paper ballot. Supplemental paper ballots may also be used to conduct the voting, in
 16 the instance of a small precinct as provided in KRS 117.066.

17 (6) The ballot position of a candidate or slate of candidates shall not be changed after
 18 the ballot position has been designated by the county clerk.

19 ➔SECTION 2. KRS CHAPTER 118C IS ESTABLISHED AND A NEW
 20 SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

21 *As used in this chapter, unless the context otherwise requires:*

22 *(1) "Ballot" or "official ballot" means the official presentation of offices and*
 23 *candidates to be voted for, including write-in candidates, and all public questions*
 24 *submitted for determination, and shall include a voting machine ballot, a paper*
 25 *ballot, an absentee ballot, or a supplemental paper ballot which has been*
 26 *authorized for the use of the voters in any primary, regular election, or special*
 27 *election by the Secretary of State or the county clerk;*

- 1 (2) "Election" refers only to elections for nonpartisan offices;
- 2 (3) "Nonpartisan offices" means the offices of Commonwealth's attorney, circuit
3 clerk, county attorney, county clerk, sheriff, jailer, and coroner;
- 4 (4) "Voting equipment" means any physical component of a voting system and
5 includes voting machines where voting machines are in operation;
- 6 (5) "Voting machine" or "machine" means a part of a voting system that consists
7 of:
- 8 (a) A direct recording electronic voting machine that:
- 9 1. Records votes by means of a ballot display provided with mechanical
10 or electro-operated components that may be actuated by the voter;
- 11 2. Processes the data by means of a computer program;
- 12 3. Records voting data and ballot images in internal and external
13 memory components; and
- 14 4. Produces a tabulation of the voting data stored in a removable
15 memory component and on a printed copy; or
- 16 (b) One (1) or more electronic devices that operate independently or as a
17 combination of a ballot marking device and an electronic or automatic vote
18 tabulating device; and
- 19 (6) "Voting system" means:
- 20 (a) The total combination of physical, mechanical, electromechanical, or
21 electronic equipment, including the software, hardware, firmware, and
22 documentation required to program, control, and support that equipment,
23 that is used to:
- 24 1. Define ballots;
- 25 2. Cast and count votes;
- 26 3. Report or display election results; and
- 27 4. Maintain and produce any audit trail information; and

- 1 **(b) The practices and associated documentation used to:**
- 2 **1. Identify system components and versions of those components;**
- 3 **2. Test the system during its development and maintenance;**
- 4 **3. Maintain records of system errors and defects;**
- 5 **4. Determine specific system changes to be made to a system after the**
- 6 **initial qualification of the system; and**
- 7 **5. Make available any materials to the voter, such as notices,**
- 8 **instructions, forms, or paper ballots.**

9 **All other provisions of the election laws not inconsistent with this chapter shall be**
10 **applicable thereto.**

11 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 118C IS CREATED TO
12 READ AS FOLLOWS:

13 **For the purposes of Sections 2 to 11 of this Act, candidates for the office of**
14 **Commonwealth's attorney in multi-county circuits shall file a petition for nomination**
15 **with the Secretary of State. Candidates for the offices of Commonwealth's attorney in**
16 **single-county circuits, circuit clerk, county attorney, county clerk, sheriff, jailer, or**
17 **coroner shall file a petition for nomination with the county clerk.**

18 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 118C IS CREATED TO
19 READ AS FOLLOWS:

20 **(1) Except as provided in Section 6 of this Act, no person's name shall appear on a**
21 **ballot for the offices of Commonwealth's attorney, circuit clerk, county attorney,**
22 **county clerk, sheriff, jailer, or coroner without first obtaining a nonpartisan**
23 **nomination as provided in this section.**

24 **(2) Each candidate for nomination shall file a petition for nomination with the**
25 **Secretary of State or county clerk not earlier than the first Wednesday after the**
26 **first Monday in November of the year preceding the year in which the office will**
27 **appear on the ballot and not later than the first Friday following the first Monday**

1 in January preceding the day fixed by law for holding a primary in accordance
2 with KRS Chapter 118. The petition shall be sworn to before an officer
3 authorized to administer an oath by the candidate and by not less than two (2)
4 registered voters from the county or district from which he or she seeks
5 nomination. Signatures for nomination papers shall not be affixed on the
6 document to be filed prior to the first Wednesday after the first Monday in
7 November of the year preceding the year in which the office will appear on the
8 ballot. The petition shall be filed no later than 4 p.m. local time at the place of
9 filing when filed on the last date on which the papers are permitted to be filed.

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

17 (4) (a) The Secretary of State or county clerk shall examine the petition of each
18 candidate to determine whether it is regular on its face. If there is an error,
19 the Secretary of State or county clerk shall notify the candidate by certified
20 mail within twenty-four (24) hours of filing. The order of names on the
21 ballot shall be determined by lot at a public drawing to be held in the office
22 of the Secretary of State or the county clerk's office at 2 p.m., standard time,
23 on the Thursday following the filing deadline for the primary in accordance
24 with KRS Chapter 118.

25 (b) For the office of Commonwealth's attorney in multi-county circuits, not
26 later than the date set forth in KRS 118.215(1)(a) preceding the primary,
27 and after the order of names on the ballot has been determined as required

1 in paragraph (a) of this subsection, the Secretary of State shall:

2 1. Certify to the county clerks of the respective counties entitled to
3 participate in the election of the various candidates, the name and
4 place of residence of each candidate for each office, by county or
5 district, as specified in the petitions for nomination filed with him or
6 her; and

7 2. Designate for the county clerks the order in which the names of
8 candidates shall be printed and the order in which they are to appear
9 on the ballot.

10 (5) The ballot position of a candidate shall not be changed after the ballot position
11 has been designated by the Secretary of State or county clerk.

12 (6) The county clerks of each county shall cause to be printed on the ballots for the
13 primary the names of the candidates for nonpartisan offices.

14 (7) The names of the candidates shall be placed on the ballots in a separate column
15 or columns or in a separate line or lines and identified by the words
16 "Nonpartisan Offices." The words "Vote for one" shall be printed on the ballot
17 in an appropriate location and the offices and the candidates shall be clearly
18 labeled. No party designation or emblem of any kind, nor any sign indicating any
19 candidate's political belief or party affiliation, shall be used on the ballots.

20 (8) The two (2) candidates receiving the highest number of votes for nomination for
21 each of the nonpartisan offices shall be nominated. Certificates of nomination
22 shall be issued as provided in Section 10 of this Act.

23 (9) If it appears after expiration of the time for filing petitions for nomination that
24 there are not more than two (2) candidates who have filed the necessary petitions
25 for a place on the ballot in the regular election, no drawing for ballot position
26 shall be held and the Secretary of State or county clerk shall immediately issue
27 and file in the Secretary's office certificates of nomination, and send copies to the

1 candidates.

2 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 118C IS CREATED TO
3 READ AS FOLLOWS:

4 (1) (a) For the regular election, the order of names on the ballot for nonpartisan
5 offices shall be determined by lot at a public drawing to be held in the office
6 of the Secretary of State or county clerk at 2 p.m., standard time, on the
7 Thursday following the first Tuesday after the first Monday in June
8 preceding the regular election, except as provided in subsection (6) of
9 Section 6 of this Act.

10 (b) For the office of Commonwealth's attorney in multi-county circuits, not
11 later than the date set forth in KRS 118.215(1)(b) after the filing deadline
12 for the regular election in a year in which there is no election for President
13 and Vice President of the United States, or not later than the date set forth
14 in KRS 118.215(1)(c) preceding a regular election in a year in which there
15 is an election for President and Vice President of the United States, and
16 after the order of names on the ballot has been determined as required in
17 subsection (1)(a) of this section, the Secretary of State shall:

18 1. Certify to the county clerks of the respective counties entitled to
19 participate in the election of the various candidates the name of each
20 candidate for the nonpartisan offices; and

21 2. Designate for the county clerks the order in which the names of
22 candidates shall be printed and the order in which they are to appear
23 on the ballot.

24 (2) The ballot position of a candidate shall not be changed after the ballot position
25 has been designated by the Secretary of State or county clerk. The county clerks
26 of each county shall cause to be printed on the ballots for the regular elections
27 the names of the candidates for the nonpartisan offices.

1 (3) The names of the candidates shall be placed on the ballots in a separate column
2 or columns or in a separate line or lines and identified by the words
3 "Nonpartisan Offices," and in such a manner that the casting of a vote for all of
4 the candidates of a political party will not operate to cast a vote for nonpartisan
5 candidates. The words "Vote for one" shall be printed on the ballot in
6 appropriate locations. No party designation or emblem of any kind, nor any sign
7 indicating any candidate's political belief or party affiliation, shall be used on
8 any ballot.

9 (4) The candidate receiving the highest number of votes cast at the regular election
10 for nonpartisan offices shall be elected.

11 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 118C IS CREATED TO
12 READ AS FOLLOWS:

13 (1) Candidates for an unexpired term of any nonpartisan offices to be filled at a
14 regular election shall be nominated at the primary next preceding the regular
15 election in the manner prescribed in Section 4 of this Act if the vacancy occurs
16 not later than the second Friday in December preceding the primary. If the
17 vacancy occurs on or after that date, the election to fill the unexpired term shall
18 be held in accordance with the procedures described in this section and Section
19 152 of the Constitution of Kentucky.

20 (2) If in a regular election for nonpartisan offices no candidates nominated as
21 provided in Section 4 of this Act are available due to death, incapacity, or
22 withdrawal, the election to fill the regular term shall be conducted in the manner
23 prescribed in subsections (3) to (10) of this section.

24 (3) If the vacancy occurs prior to the first Tuesday following the first Monday in
25 June, each candidate shall file a petition for nomination with the Secretary of
26 State or county clerk not earlier than the first Wednesday after the first Monday
27 in November of the year preceding the year in which the election for the

1 unexpired term will be held and not later than the first Tuesday after the first
2 Monday in June preceding the day fixed by law for holding the regular election
3 for the unexpired term. If the vacancy occurs after the first Tuesday following the
4 first Monday in June, each candidate shall file a petition for nomination with the
5 Secretary of State or county clerk not later than the second Tuesday in August
6 preceding the day fixed by law for holding the regular election for the unexpired
7 term. The petition shall be sworn to by the candidate and by not less than two (2)
8 registered voters from the county or district from which he or she seeks
9 nomination, before an officer authorized to administer an oath. Signatures for
10 nomination papers shall not be affixed on the document to be filed prior to the
11 first Wednesday after the first Monday in November of the year preceding the
12 year in which the office will appear on the ballot. The petition shall be filed no
13 later than 4 p.m. local time at the place of filing when filed on the last date on
14 which the papers are permitted to be filed.

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

22 (5) The Secretary of State or county clerk shall examine the petition of each
23 candidate to determine whether it is regular on its face. If there is an error, the
24 Secretary of State or county clerk shall notify the candidate by certified mail
25 within twenty-four (24) hours of filing.

26 (6) (a) The order of names on the ballot for nonpartisan offices shall be
27 determined by lot at a public drawing to be held in the office of the

- 1 Secretary of State or county clerk at 2 p.m., standard time, on the Thursday
2 following the first Tuesday after the first Monday in June preceding the
3 regular election for those petitions for nomination required to be filed no
4 later than the first Tuesday following the first Monday in June. For those
5 petitions for nomination required to be filed no later than the second
6 Tuesday in August, the order of names on the ballot for nonpartisan offices
7 shall be determined by lot at a public drawing to be held in the office of the
8 Secretary of State or county clerk at 2 p.m., standard time, on the Thursday
9 following the second Tuesday in August preceding the regular election.
- 10 **(b) For the office of Commonwealth's attorney in multi-county circuits, not**
11 **later than the date set forth in KRS 118.215 and after the order of names on**
12 **the ballot has been determined as required in paragraph (a) of this section,**
13 **the Secretary of State shall:**
- 14 **1. Certify to the county clerks of the respective counties entitled to**
15 **participate in the election of the various candidates, the name and**
16 **place of residence of each candidate for each office, as specified in the**
17 **petitions for nomination filed with the Secretary of State; and**
- 18 **2. Designate for the county clerks the names of the candidates that shall**
19 **be printed and the order in which they are to appear on the ballot.**
- 20 **(7) The ballot position of a candidate shall not be changed after the ballot position**
21 **has been designated by the county clerk.**
- 22 **(8) The county clerks of each county shall cause to be printed on the ballots for the**
23 **regular election the names of the candidates for nonpartisan offices.**
- 24 **(9) The names of the candidates shall be placed on the ballots in a separate column**
25 **or columns or in a separate line or lines and identified by the words**
26 **"Nonpartisan Offices," and in a manner so that the casting of a vote for all of**
27 **the candidates of a political party will not operate to cast a vote for nonpartisan**

1 offices. The words "Vote for one" shall be printed on the ballot in an appropriate
2 location. The office and the candidates therefor shall be clearly labeled. No party
3 designation or emblem of any kind, nor any sign indicating any candidate's
4 political belief or party affiliation, shall be used on any ballot.

5 (10) The candidate receiving the highest number of votes cast at the regular election
6 for the nonpartisan offices shall be elected.

7 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 118C IS CREATED TO
8 READ AS FOLLOWS:

9 (1) The Secretary of State, for the office of Commonwealth's attorney in multi-
10 county circuits, or the county clerk for the offices of Commonwealth's attorney in
11 single-county circuits, circuit clerk, county attorney, county clerk, sheriff, jailer,
12 or coroner, shall keep a book entitled "Register of Candidates for Nomination to
13 Nonpartisan Offices," and shall enter in that book the name and place of
14 residence of each candidate for nomination to nonpartisan offices in the primary
15 and the date of receipt of his or her nomination papers. The book shall be a
16 public record.

17 (2) Petitions for candidacy for an unexpired term of nonpartisan offices shall also be
18 entered in this book.

19 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 118C IS CREATED TO
20 READ AS FOLLOWS:

21 (1) In certification of candidates for nonpartisan offices, no reference shall be made
22 to political affiliation.

23 (2) The Secretary of State shall not knowingly certify to the county clerk of any
24 county the name of any candidate who has not filed the required nomination or
25 candidacy papers, nor knowingly fail to certify the name of any candidate who
26 has filed the required nomination or candidacy papers.

27 (3) No county clerk shall knowingly cause to be printed on any ballots or absentee

1 ballots for any election the name of a candidate for nonpartisan offices who has
2 not been certified in the manner specified in this chapter.

3 (4) If, before the time of certification of candidates who will appear on the ballot
4 provided for in this chapter, any candidate whose petition or certificate of
5 nomination or petition for candidacy has been filed, dies or notifies the Secretary
6 of State or county clerk in writing, signed and properly notarized, that he or she
7 will not accept the nomination or election, the Secretary of State or county clerk
8 shall not certify his or her name.

9 (5) (a) If, after the certification of candidates who will appear on the ballot, any
10 candidate for the office of Commonwealth's attorney in a multi-county
11 circuit whose petition or certificate of nomination or petition for candidacy
12 has been filed, dies or notifies the Secretary of State in the manner
13 described in subsection (4) of this section, that he or she will not accept the
14 nomination or election, the Secretary of State shall immediately notify the
15 appropriate county clerk, and the clerk shall ensure that notice is provided
16 to the appropriate precincts as provided in subsection (7) of this section.

17 (b) If, after the certification of candidates who will appear on the ballot, any
18 candidate for the office of Commonwealth's attorney in a single county
19 circuit, circuit clerk, county attorney, county clerk, sheriff, jailer, or coroner
20 whose petition or certificate of nomination or petition for candidacy has
21 been filed, dies or notifies the county clerk in the manner described in
22 subsection (4) of this section, that he or she will not accept the nomination
23 or election, the clerk shall ensure that notice is provided to the appropriate
24 precincts as provided in subsection (7) of this section.

25 (6) If, after the certification of candidates who will appear on the ballot, any
26 candidate whose name appears on the ballot shall withdraw or die, neither the
27 precinct election officers nor the county board of elections shall tabulate or

1 record the votes cast for the candidate. In a primary, if there are only one (1) or
 2 two (2) remaining candidates on the ballot for that office, following the
 3 withdrawal or death of the other candidate or candidates, neither the precinct
 4 election officers nor the county board of elections shall tabulate or record the
 5 votes for the remaining candidate or candidates, and the officer with whom the
 6 remaining candidate or candidates has filed his or her nomination papers shall
 7 immediately issue and file in his or her office a certificate of nomination for that
 8 remaining candidate or candidates and send a copy to the remaining candidate or
 9 candidates.

10 (7) If, after the certification of candidates who will appear on the ballot, any
 11 candidate whose name appears on the ballot shall withdraw pursuant to KRS
 12 118.212 or die, the county clerk shall provide notices to the precinct election
 13 officers who shall see that a notice is conspicuously displayed at the polling place
 14 advising voters of the change, and that votes for the candidate shall not be
 15 tabulated or recorded. If the county clerk learns of the death or withdrawal at
 16 least five (5) days prior to the election and provides the notices required by this
 17 subsection and the precinct officers fail to post the notices at the polling place,
 18 the officers shall be guilty of a violation, subject to a fine of not less than ten
 19 dollars (\$10) nor more than two hundred fifty dollars (\$250).

20 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 118C IS CREATED TO
 21 READ AS FOLLOWS:

22 All nomination or candidacy papers filed under this chapter shall during normal
 23 business hours be subject to inspection by any person.

24 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 118C IS CREATED
 25 TO READ AS FOLLOWS:

26 (1) The State Board of Elections shall issue certificates of nomination or election for
 27 all primary and regular elections as provided in this section.

- 1 (2) Following a primary or regular election, the county board of elections of each
2 county shall make out duplicate certificates of the total number of votes received
3 by each candidate for nonpartisan offices. The certificate of the total number of
4 votes shall be certified to the Secretary of State's Office not later than 12 noon,
5 prevailing time, on the Friday following the primary or regular election. The
6 county clerk shall keep one (1) of the certificates in his or her office and, within
7 three (3) days of their receipt from the board, shall forward the other certificate
8 by mail to the Secretary of State who shall deliver it to the State Board of
9 Elections.
- 10 (3) The State Board of Elections shall meet to count and tabulate the votes received
11 by the different candidates as certified to the Secretary of State no later than the
12 third Monday after the primary or regular election. When the board certifies the
13 results of a primary or regular election, the right to contest the election or
14 primary shall not be impaired. A majority of the members of the board shall
15 constitute a quorum and may act. The board shall prepare the certificates of
16 nomination or election in the office of the board, from the returns made. The
17 certificates shall be in writing and in duplicate, and shall be signed by the board
18 members. The board shall forward the original certificate, by mail, to the
19 nominated or elected candidate, unless he or she has failed to comply with KRS
20 Chapter 121. The duplicate shall be retained in the office of the board.
- 21 (4) Certificates of nomination for a candidate for nonpartisan offices shall be issued
22 to the two (2) candidates receiving the highest number of votes, except that if
23 more than two (2) candidates are found to have received the highest and an equal
24 number of votes for the same office or if two (2) or more candidates are found to
25 have received the second highest and an equal number of votes for the same
26 office, the election shall be determined by lot in the manner the board directs, in
27 the presence of not less than three (3) other persons.

1 **(5) The certificate of election for nonpartisan offices shall be issued to the candidate**
 2 **receiving the highest number of votes, except that if two (2) or more candidates**
 3 **are found to have received the highest and an equal number of votes for the same**
 4 **office, the election shall be determined by lot in the manner the board directs, in**
 5 **the presence of not less than three (3) other persons.**

6 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 118C IS CREATED
 7 TO READ AS FOLLOWS:

8 **Any person who violates any of the provisions of this chapter or who fails to perform**
 9 **his or her duties in the manner specified in this chapter shall be guilty of a Class A**
 10 **misdemeanor.**

11 ➔Section 12. KRS 118.315 is amended to read as follows:

12 (1) A candidate for any office, **except for nonpartisan offices as defined in Section 2**
 13 **of this Act,** to be voted for at any regular election may be nominated by a petition of
 14 electors qualified to vote for him or her, complying with the provisions of
 15 subsection (2) of this section. No person whose registration status is as a registered
 16 member of a political party shall be eligible to election as an independent, or
 17 political organization, or political group candidate, nor shall any person be eligible
 18 to election as an independent, or political organization, or political group candidate
 19 whose registration status was as a registered member of a political party on January
 20 1 immediately preceding the regular election for which the person seeks to be a
 21 candidate. This restriction shall not apply to candidates to those offices specified in
 22 KRS 118.105(7), for supervisor of a soil and water conservation district, for
 23 candidates for mayor or legislative body in cities of the home rule class, or to
 24 candidates participating in nonpartisan elections.

25 (2) The form of the petition shall be prescribed by the State Board of Elections. It shall
 26 be signed by the candidate and by registered voters from the district or jurisdiction
 27 from which the candidate seeks nomination. The petition shall include a declaration,

1 sworn to by the candidate, that he or she possesses all the constitutional and
2 statutory requirements of the office for which the candidate has filed. Signatures for
3 a petition of nomination for a candidate seeking any office, excluding President of
4 the United States in accordance with KRS 118.591(1), shall not be affixed on the
5 document to be filed prior to the first Wednesday after the first Monday in
6 November of the year preceding the year in which the office will appear on the
7 ballot. Signatures for nomination papers shall not be affixed on the document to be
8 filed prior to the first Wednesday after the first Monday in November of the year
9 preceding the year in which the office will appear on the ballot. A petition of
10 nomination for a state officer, or any officer for whom all the electors of the state
11 are entitled to vote, shall contain five thousand (5,000) petitioners; for a
12 representative in Congress from any congressional district, or for any officer from
13 any other district except as herein provided, four hundred (400) petitioners; for a
14 county office, except for nonpartisan offices as defined in Section 2 of this Act or
15 a~~officer,~~ member of the General Assembly~~, or Commonwealth's attorney~~, one
16 hundred (100) petitioners; for a soil and water conservation district supervisor,
17 twenty-five (25) petitioners; for a city officer or board of education member, two (2)
18 petitioners; and for an officer of a division less than a county, except as herein
19 provided, twenty (20) petitioners. It shall not be necessary that the signatures of the
20 petition be appended to one (1) paper. Each petitioner shall include the date he or
21 she affixes the signature, address of residence, and date of birth. Failure of a voter
22 to include the signature affixation date, date of birth, and address of residence shall
23 result in the signature not being counted. If any person joins in nominating, by
24 petition, more than one (1) nominee for any office to be filled, he or she shall be
25 counted as a petitioner for the candidate whose petition is filed first, except a
26 petitioner for the nomination of candidates for soil and water conservation district
27 supervisors may be counted for every petition to which his or her signature is

1 affixed.

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

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

9 (5) A judge who elected to retire as a Senior Status Special Judge in accordance with
10 KRS 21.580 shall not become a candidate or a nominee for any elected office
11 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
12 number of days served by the judge acting as a Senior Status Special Judge.

13 ➔Section 13. KRS 118.225 is amended to read as follows:

14 (1) For the purpose of determining the order in which the names of candidates or slates
15 of candidates to be voted for by the electors of the entire state shall be certified and
16 printed on the ballots with the designation of the respective offices, the Secretary of
17 State shall prepare lists of the counties of each congressional district of the state.
18 The Secretary of State shall arrange the surnames of all candidates or slates of
19 candidates for each office in alphabetical order for the First Congressional District,
20 and the names shall be certified in this order to the county clerks of all the counties
21 comprising that district. For each succeeding congressional district, taken in
22 numerical order, the name appearing first for each office in the last preceding
23 district shall be placed last, and the name appearing second in the last preceding
24 district shall be placed first, and each other name shall be moved up one (1) place.
25 The lists shall be certified accordingly.

26 (2) For all other offices for which nomination papers and petitions are filed with the
27 Secretary of State, the order of names of candidates for each office shall be

1 determined by lot at a public drawing to be held in the office of the Secretary of
2 State at 2 p.m., standard time, on the Thursday following the filing deadline for the
3 primary as established in KRS 83A.045, 118.165, ~~and~~ 118A.060, **and Section 4 of**
4 **this Act** or the Thursday following the first Tuesday after the first Monday in June
5 preceding the regular election.

6 (3) For all offices for which nomination papers and petitions are filed in the office of
7 the county clerk, the order in which the names of candidates for each office are to
8 be printed on the ballot shall be determined by lot at a public drawing in the office
9 of the county clerk at 2 p.m., standard time, on the Thursday following the filing
10 deadline for the primary as established in KRS 83A.045, 118.165, ~~and~~ 118A.060,
11 **and Section 4 of this Act** or the Thursday following the first Tuesday after the first
12 Monday in June preceding the regular election.

13 (4) For all offices for which the deadline for filing nomination papers and petitions is
14 governed by KRS 83A.165(4)(c) or 118.375(2), the order in which the names of
15 candidates for each office are to be printed shall be determined by lot at a public
16 drawing in the office at the place of filing at 2 p.m., standard time, on the Thursday
17 following the second Tuesday in August preceding the regular election.

18 (5) If the number of certified candidates or slates of candidates cannot be placed on a
19 ballot which can be accommodated on voting equipment currently in use in the
20 county, the county clerk shall notify the State Board of Elections, as provided in
21 KRS 118.215.

22 ➔Section 14. KRS 118.325 is amended to read as follows:

23 (1) Any political organization not constituting a political party within the meaning of
24 KRS 118.015 but whose candidate received two percent (2%) of the vote of the
25 state at the last preceding election for presidential electors may nominate, by a
26 convention or primary held by the party in accordance with its constitution and
27 bylaws, candidates for any offices to be voted for at any regular election, except the

1 office of member of a board of education, for which nominations shall be made as
2 provided in KRS 160.220, and nonpartisan offices as defined by Section 2 of this
3 Act, for which the nominations shall only be made as provided by Sections 2 to 11
4 of this Act. Any political party, as defined in KRS 118.015, and any political
5 organization not constituting such a political party but whose candidate received
6 two percent (2%) of the vote of the state at the last preceding election for
7 presidential electors, may nominate, by a convention or primary held by the party or
8 organization in accordance with its constitution and bylaws, as many electors of
9 President and Vice President of the United States as this state is entitled to elect.

10 (2) The certificate of nomination by such a convention or primary shall be in writing,
11 shall contain the name of each person nominated, his or her residence, and the
12 office to which he or she is nominated, and shall designate a title for the party or
13 principle that such convention or primary represents, together with any simple
14 figure or device by which its list of candidates may be designated on the ballots.
15 The certificate shall be signed by the presiding officer and secretary of the
16 convention, or by the chair and secretary of the county, city, or district committee,
17 who shall add to their signatures their respective places of residence, and
18 acknowledge the same before an officer duly authorized to administer oaths. A
19 certificate of the acknowledgment shall be appended to the certificate of
20 nomination. In the case of electors of President and Vice President of the United
21 States the certificate of nomination shall state the names of the candidates of the
22 party for President and Vice President.

23 (3) Any person desiring to become a candidate for an office, the nomination to which is
24 to be made by a convention pursuant to subsections (1) and (2) of this section,
25 except for the office of elector of President and Vice President of the United States,
26 shall file a statement with the official designated in KRS 118.165 with whom
27 notification and declaration forms are filed for the office. The form of the statement

1 shall be prescribed by the State Board of Elections. Such statement shall be filed as
2 prescribed by KRS 118.365.

3 (4) If the certificate of nomination of any state convention requests that the figure or
4 device selected by such convention be used to designate the candidates of such party
5 on the ballots for all elections throughout the state, that figure or device shall be
6 used until changed by request of a subsequent state convention of the same party.
7 The device may be any appropriate symbol other than the coat of arms or seal of
8 this state or of the United States, the national flag, or any other emblem common to
9 the people at large.

10 (5) In case of death, resignation, or removal of any such candidate subsequent to
11 nomination and before the certification of candidates for the regular election made
12 under KRS 118.215, the chair of the state, county, or city district committee shall
13 fill the vacancy, unless a supplemental certificate or petition of nomination is filed.
14 In the case of electors of President and Vice President of the United States, a
15 vacancy may be filled by the chair of the state committee at any time before the
16 meeting of the electors, whether the vacancy occurs before or after the election.

17 (6) If any political party entitled to nominate by convention fails to do so, the names of
18 all nominees by petition for any office who are designated in their petition as
19 members and candidates of that party shall be printed under the device and title on
20 the ballots as if nominated by a convention. If two (2) or more persons who have
21 filed certificates of nomination under this section claim to be the nominee of the
22 same political party, the governing authority of that party shall designate to the
23 Secretary of State and county clerk, in writing, which of the candidates is entitled to
24 the party emblem. If there are two (2) or more contending executive committees of
25 the same party in the county or district, the county or district executive committee
26 that is recognized by the state governing authority of the party, by the written
27 certificate of its chair, shall be recognized by the Secretary of State and county

1 clerk.

2 (7) A judge who elected to retire as a Senior Status Special Judge in accordance with
3 KRS 21.580 shall not become a candidate or a nominee for any elected office
4 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
5 number of days served by the judge acting as a Senior Status Special Judge.

6 ➔Section 15. KRS 118.115 is amended to read as follows:

7 (1) Except as provided in subsection (2)(b) of KRS 83A.045 **and Section 6 of this Act**
8 governing vacancies in candidacy, candidates for unexpired terms to be filled at a
9 regular election shall be nominated at the primary next preceding the regular
10 election, if the vacancy occurred not less than one hundred sixty (160) days before
11 the primary. If the vacancy occurred less than one hundred sixty (160) days before
12 the primary, the nomination shall be made in a manner determined by the governing
13 authority of the political party concerned. In the preparation of ballots, candidates
14 for full terms shall be grouped together, and candidates for unexpired terms shall be
15 grouped together, under appropriate headings, so that the voter may easily
16 distinguish the candidates for full terms from the candidates for unexpired terms.

17 (2) A judge who elected to retire as a Senior Status Special Judge in accordance with
18 KRS 21.580 shall not become a candidate or a nominee for any elected office
19 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
20 number of days served by the judge acting as a Senior Status Special Judge.

21 ➔Section 16. This Act takes effect January 1, 2023.