

1 AN ACT relating to the election of Justices of the Supreme Court and Judges of the  
2 Court of Appeals of the Court of Justice.

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

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 118A IS CREATED TO  
5 READ AS FOLLOWS:

6 *(1) Except as provided in Section 3 of this Act, no person's name shall appear on a*  
7 *ballot for Justice of the Supreme Court or Judge of the Court of Appeals of the*  
8 *Court of Justice without first having been nominated as provided in Section 8 of*  
9 *this Act, or as otherwise provided in this section.*

10 *(2) (a) Each candidate for nomination shall file a notification and declaration in*  
11 *accordance with KRS 118.125 with the Secretary of State not earlier than*  
12 *the first Wednesday after the first Monday in November of the year*  
13 *preceding the year in which the office will appear on the ballot and not later*  
14 *than the first Friday following the first Monday in January preceding the*  
15 *day fixed by law for holding the primary for the office.*

16 *(b) The notification and declaration shall be in the form prescribed by the State*  
17 *Board of Elections. It shall be signed by the candidate and by not less than*  
18 *two (2) registered voters of the same party from the district or jurisdiction*  
19 *from which the candidate seeks nomination. Titles, ranks, or spurious*  
20 *phrases shall not be accepted on the notification and declaration and shall*  
21 *not be printed on the ballots as part of the candidate's name; however,*  
22 *nicknames, initials, and contractions of given names may be acceptable as*  
23 *the candidate's name. Signatures for nomination papers shall not be affixed*  
24 *on the document to be filed prior to the first Wednesday after the first*  
25 *Monday in November of the year preceding the year in which the office will*  
26 *appear on the ballot.*

27 *(c) The notification and declaration for a candidate for Justice of the Supreme*

1 Court or Judge of the Court of Appeals of the Court of Justice shall include  
2 the following oath:

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

16 (d) The petition shall be filed no later than 4 p.m. local time at the place of  
17 filing when filed on the last date on which the papers are permitted to be  
18 filed.

19 (3) The Secretary of State shall examine the notification and declaration of each  
20 candidate to determine whether it is regular on its face. If there is an error, the  
21 Secretary of State shall notify the candidate by certified mail within twenty-four  
22 (24) hours of filing. The order of names on the ballot for each district, and  
23 numbered division if divisions exist, shall be determined by lot at a public  
24 drawing to be held in the office of the Secretary of State at 2 p.m., standard time,  
25 on the Thursday following the filing deadline for the primary as established in  
26 this section and in KRS 118.165.

27 (4) Not later than the date set forth in subsection (1)(a) of Section 9 of this Act

1 preceding the primary, and after the order of names on the ballot has been  
2 determined as required in subsection (3) of this section, the Secretary of State  
3 shall:

4 (a) Certify to the county clerks of the respective counties entitled to participate  
5 in the election of the various candidates, the name and place of residence of  
6 each candidate for each office, by district, and numbered division if  
7 divisions exist, as specified in the notice and declaration filed with him or  
8 her; and

9 (b) Designate for the county clerks the office of the Court of Justice with which  
10 the names of candidates shall be printed, the party on whose ballot the  
11 candidate is entitled to have his or her name printed, and the order in which  
12 they are to appear on the ballot.

13 (5) The ballot position of a candidate shall not be changed after the ballot position  
14 has been designated by the Secretary of State.

15 (6) The county clerks of each county shall cause to be printed on the ballots for the  
16 primary the names of the candidates for Justices of the Supreme Court and  
17 Judges for the Court of Appeals in the Court of Justice as certified and  
18 designated by the Secretary of State under subsection (4) of this section.

19 (7) The candidate receiving the highest number of votes in a primary for Justice of  
20 the Supreme Court of a district, or Judge of the Court of Appeals of a district, or  
21 numbered division if divisions exist, shall be nominated and shall receive the  
22 certificate of nomination.

23 (8) If two (2) or more candidates in a primary are found to have received the highest  
24 and an equal number of votes for nomination to the same office, the winning  
25 candidate shall be determined by lot in the manner the State Board of Elections  
26 directs, in the presence of not less than three (3) other persons.

27 (9) If it appears after expiration of the time for filing the notification and declaration

1 that there is only one (1) candidate who has filed the necessary papers for a place  
 2 on the ballot of any party on whose ballot the candidate is entitled to have his or  
 3 her name printed, no drawing for ballot position shall be held and the Secretary  
 4 of State shall immediately issue and file in the Secretary's office a certificate of  
 5 nomination, and send a copy to the candidate.

6 (10) Except as provided in KRS 118.345, the county clerk of each county shall cause  
 7 to be printed on the ballots for the regular election the names of those candidates  
 8 of a political party, as defined in KRS 118.015, who have received certificates of  
 9 nomination at the preceding primary and whose certificates of nomination have  
 10 been filed with the Secretary of State for Justice of the Supreme Court or Judge  
 11 of the Court of Appeals.

12 (11) No party designation or emblem of any kind, nor any sign indicating any  
 13 candidate's political belief or party affiliation, shall be used on the ballots for a  
 14 regular election.

15 ➔Section 2. KRS 118A.060 is amended to read as follows:

16 (1) Except as provided in KRS 118A.100, no person's name shall appear on any~~[a]~~  
 17 ~~ballot~~~~[label or absentee ballot]~~ for Judge of the Circuit Court or District Court~~[an~~  
 18 ~~office of the Court of Justice]~~ without first having been nominated as provided in  
 19 this section.

20 (2) Each candidate for nomination shall file a petition for nomination with the Secretary  
 21 of State not earlier than the first Wednesday after the first Monday in November of  
 22 the year preceding the year in which the office will appear on the ballot and not later  
 23 than the first Friday following the first Monday in January preceding the day fixed  
 24 by law for holding the primary for the office. The petition shall be sworn to before  
 25 an officer authorized to administer an oath by the candidate and by not less than two  
 26 (2) registered voters from the district or circuit from which he or she seeks  
 27 nomination. Signatures for nomination papers shall not be affixed on the document

1 to be filed prior to the first Wednesday after the first Monday in November of the  
2 year preceding the year in which the office will appear on the ballot. The petition  
3 shall be filed no later than 4 p.m. local time at the place of filing when filed on the  
4 last date on which the papers are permitted to be filed.

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

12 (4) The Secretary of State shall examine the petition of each candidate filed under this  
13 section to determine whether it is regular on its face. If there is an error, the  
14 Secretary of State shall notify the candidate by certified mail within twenty-four  
15 (24) hours of filing. The order of names on the ballot for each district or circuit, and  
16 numbered division if divisions exist, shall be determined by lot at a public drawing  
17 to be held in the office of the Secretary of State at 2 p.m., standard time, on the  
18 Thursday following the filing deadline for the primary as established in this section  
19 and in KRS~~[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 for Judge of the Circuit Court or  
25 District Court, the name and place of residence of each candidate for each  
26 office, by district or circuit, and numbered division if divisions exist, as  
27 specified in the petitions for nomination filed with him or 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 ~~ballot labels for~~  
 7 ~~the voting machines and on the special~~ ballots for the primary the names of the  
 8 candidates for offices in the Court of Justice.
- 9 (8) The names of the candidates for Judge of the Circuit Court and District Court  
 10 shall be placed on the ballot~~[voting machine]~~ in a separate column or columns or in  
 11 a separate line or lines and identified by the words "Nonpartisan Judicial Ballot."  
 12 The words "Vote for one," or "Vote for one in each division," shall be printed on the  
 13 ballot in an appropriate location. The office, numbered division if divisions exist,  
 14 and the candidates shall be clearly labeled. No party designation or emblem of any  
 15 kind, nor any sign indicating any candidate's political belief or party affiliation, shall  
 16 be used on ~~[voting machines or special]~~ ballots prepared under this subsection.
- 17 (9) The two (2) candidates receiving the highest number of votes for nomination for  
 18 Judge of the Circuit Court or District Court~~[justice or judge]~~ of a district or  
 19 circuit, or numbered division if divisions exist, shall be nominated. Certificates of  
 20 nomination shall be issued as provided in KRS 118A.190.
- 21 (10) If it appears after expiration of the time for filing petitions for nomination for Judge  
 22 of the Circuit Court or District Court that there are not more than two (2)  
 23 candidates who have filed the necessary petitions for a place on the ballot in the  
 24 regular election, no drawing for ballot position shall be held and the Secretary of  
 25 State shall immediately issue and file in the Secretary's office certificates of  
 26 nomination, and send copies to the candidates.
- 27 ➔Section 3. KRS 118A.100 is amended to read as follows:

- 1 (1) Candidates for an unexpired term of a judicial office to be filled at a regular election  
2 shall be nominated at the primary next preceding the regular election in the manner  
3 prescribed in KRS 118A.060 or Section 1 of this Act if the vacancy occurs not later  
4 than the second Friday in December preceding the primary. If the vacancy occurs on  
5 or after that date, the election to fill the unexpired term shall be held in accordance  
6 with the procedures described in this section and Section 152 of the Constitution of  
7 Kentucky.
- 8 (2) (a) If in a regular election for Judge of the Circuit Court or District  
9 Court~~judicial office~~ no candidates nominated as provided in KRS 118A.060  
10 are available due to death, incapacity, or withdrawal,~~and the candidates have~~  
11 ~~not been replaced as provided in KRS 118A.060,~~ the election to fill the  
12 regular term shall be conducted in the manner prescribed in~~subsections (3)~~  
13 ~~through (11) of this~~ paragraphs (b) to (j) of this subsection~~section~~.
- 14 (b)~~(3)~~ Each candidate shall file a petition for nomination with the Secretary of  
15 State not earlier than the first Wednesday after the first Monday in November  
16 of the year preceding the year in which the election for the unexpired term will  
17 be held and not later than the first Tuesday after the first Monday in June  
18 preceding the day fixed by law for holding the regular election for the  
19 unexpired term, if the vacancy occurs prior to the first Tuesday following the  
20 first Monday in June. If the vacancy occurs after the first Tuesday following  
21 the first Monday in June, each candidate shall file a petition for nomination  
22 with the Secretary of State not later than the second Tuesday in August  
23 preceding the day fixed by law for holding the regular election for the  
24 unexpired term. The petition shall be sworn to by the candidate and by not less  
25 than two (2) registered voters from the district or circuit from which he or she  
26 seeks nomination, before an officer authorized to administer an oath.  
27 Signatures for nomination papers shall not be affixed on the document to be

1 filed prior to the first Wednesday after the first Monday in November of the  
2 year preceding the year in which the office will appear on the ballot. The  
3 petition shall be filed no later than 4 p.m. local time at the place of filing when  
4 filed on the last date on which the papers are permitted to be filed.

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

12 ~~(d)~~~~(5)~~ The Secretary of State shall examine the petition of each candidate to  
13 determine whether it is regular on its face. If there is an error, the Secretary of  
14 State shall notify the candidate by certified mail within twenty-four (24) hours  
15 of filing.

16 ~~(e)~~~~(6)~~ The order of names on the ballot for each district or circuit, and  
17 numbered division if divisions exist, shall be determined by lot at a public  
18 drawing to be held in the office of the Secretary of State at 2 p.m., standard  
19 time, on the Thursday following the first Tuesday after the first Monday in  
20 June preceding the regular election for those petitions for nomination required  
21 to be filed no later than the first Tuesday following the first Monday in June.  
22 For those petitions for nomination required to be filed no later than the second  
23 Tuesday in August, the order of names on the ballot for each district and  
24 circuit, and numbered division if divisions exist, shall be determined by lot at  
25 a public drawing to be held in the office of the Secretary of State at 2 p.m.,  
26 standard time, on the Thursday following the second Tuesday in August  
27 preceding the regular election.



1 ~~(f)(7)~~ Not later than the date set forth in KRS 118.215 and after the order of  
2 names on the ballot has been determined as required in subsection ~~(2)(e)(6)~~  
3 of this section, the Secretary of State shall:

4 ~~1.(a)~~ Certify to the county clerks of the respective counties entitled to  
5 participate in the election of the various candidates, the name and place  
6 of residence of each candidate for each office, by district or circuit, and  
7 numbered division if divisions exist, as specified in the petitions for  
8 nomination filed with the Secretary of State; and

9 ~~2.(b)~~ Designate for the county clerks the *district or circuit*~~[office]~~ of the  
10 Court of Justice with which the names of candidates shall be printed and  
11 the order in which they are to appear on the ballot.

12 ~~(g)(8)~~ The ballot position of a candidate shall not be changed after the ballot  
13 position has been designated by the county clerk.

14 ~~(h)(9)~~ The county clerks of each county shall cause to be printed on the *ballots*~~[~~  
15 ~~ballot labels for the voting machines and on the absentee ballots]~~ for the  
16 regular election the names of the candidates for *Judge of the Circuit Court*  
17 *and District Court*~~[offices]~~ of the Court of Justice.

18 ~~(i)(10)~~ The names of the candidates *for Judge of the Circuit Court and District*  
19 *Court* shall be placed on the *ballots*~~[voting machine]~~ in a separate column or  
20 columns or in a separate line or lines and identified by the words  
21 "*Nonpartisan* Judicial Ballot," and in a manner so that the casting of a vote  
22 for all of the candidates of a political party will not operate to cast a vote for  
23 judicial candidates *for Circuit Court or District Court*. The words "Vote for  
24 one" or "Vote for one in each division," shall be printed on the appropriate  
25 location. The office, numbered division if divisions exist, and the candidates  
26 therefor shall be clearly labeled. No party designation or emblem of any kind,  
27 nor any sign indicating any candidate's political belief or party affiliation, shall

1 be used on~~[voting machines or special]~~ ballots prepared under this  
2 subsection.

3 ~~(j)~~~~(11)~~ The candidate receiving the highest number of votes cast at the regular  
4 election for a district or circuit, or for a numbered division if divisions exist,  
5 shall be elected for Judge of the Circuit Court or District Court.

6 (3) (a)~~(12)~~ If in a regular election for Justice of the Supreme Court or Judge of  
7 the Court of Appeals a candidate nominated as provided in Section 1 of this  
8 Act is not available due to death, incapacity, or withdrawal, the candidate  
9 shall be replaced as provided in Section 8 of this Act and 118.325, and the  
10 election to fill the regular term shall be conducted in the manner prescribed  
11 in this chapter.

12 (b) If a vacancy occurs in a judicial office for Justice of the Supreme Court or  
13 Judge of the Court of Appeals on or after the second Friday in December  
14 preceding the primary, but not later than the second Tuesday in August  
15 preceding the day fixed by law for holding the regular election for the  
16 unexpired term, candidates of a political party shall be nominated in the  
17 manner determined by the governing authority of the political party  
18 concerned. Any independent, political group, or political organization  
19 candidate shall file a petition for nomination with the Secretary of State in  
20 accordance with subsection (2)(b) to (d) of this section.

21 (c) For a regular election to fill the unexpired term in a judicial office for  
22 Justice of the Supreme Court or Judge of the Court of Appeals, the order of  
23 names on the ballot for each district, and numbered division if divisions  
24 exist, shall be determined by lot at a public drawing to be held in the office  
25 of the Secretary of State at 2 p.m., standard time, on the Thursday following  
26 the second Tuesday in August preceding the regular election.

27 (d) After the order of names on the ballot has been determined under

1           paragraph (c) of this subsection, the regular election to fill an unexpired  
 2           term in a judicial office for Justice of the Supreme Court or Judge of the  
 3           Court of Appeals shall proceed in the same manner provided in subsection  
 4           (2)(f) to (i) of this section, and the candidate receiving the highest number  
 5           of votes cast at the regular election for a district, or for a numbered division  
 6           if divisions exist, shall be elected.

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

11   ➔Section 4. KRS 118A.150 is amended to read as follows:

12   (1) In certification of candidates for Judge of the Circuit Court or District  
 13   Court~~judicial office~~, no reference shall be made to political affiliation. In  
 14   certification of candidates for Justice of the Supreme Court or Judge of the Court  
 15   of Appeals, reference to political affiliation of the candidate shall be made only  
 16   for a primary.

17   (2) The Secretary of State shall not knowingly certify to the county clerk of any county  
 18   the name of any candidate who has not filed the required nomination or candidacy  
 19   papers, nor knowingly fail to certify the name of any candidate who has filed the  
 20   required nomination or candidacy papers.

21   (3) No county clerk shall knowingly cause to be printed on any~~the~~ ballot~~labels or~~  
 22   ~~absentee ballots~~ for any election, the name of a candidate for an office of the Court  
 23   of Justice who has not been certified in the manner specified in this chapter.

24   (4) If, before the time of certification of candidates who will appear on the ballot  
 25   provided for in this chapter, any candidate whose petition or certificate of  
 26   nomination or petition for candidacy has been filed, dies or notifies the Secretary of  
 27   State in writing, signed and properly notarized, that he or she will not accept the

1 nomination or election, the Secretary of State shall not certify his *or her* name.

2 (5) If, after the certification of candidates who will appear on the ballot, any candidate  
3 whose petition or certificate of nomination or petition for candidacy has been filed,  
4 dies or notifies the Secretary of State in the manner described in subsection (4) of  
5 this section, that he *or she* will not accept the nomination or election, the Secretary  
6 of State shall immediately notify the appropriate county clerk, and the clerk shall  
7 ensure that notice is provided to the appropriate precincts as provided in subsection  
8 (7) of this section.

9 (6) If after the certification of candidates who will appear on the ballot, any candidate  
10 whose name appears on the ballot shall withdraw or die, neither the precinct  
11 election officers nor the county board of elections shall tabulate or record the votes  
12 cast for the candidate; and, in a primary *for Judge of the Circuit Court or District*  
13 *Court*~~[election]~~, if there are only one (1) or two (2) remaining candidates on the  
14 ballot for that office, following the withdrawal or death of the other candidate or  
15 candidates, neither the precinct election officers nor the county board of elections  
16 shall tabulate or record the votes for the remaining candidate or candidates, and the  
17 officer with whom the remaining candidate or candidates has filed his or her  
18 nomination papers shall immediately issue and file in his or her office a certificate  
19 of nomination for that remaining candidate or candidates and send a copy to the  
20 remaining candidate or candidates.

21 (7) If, after the certification of candidates who will appear on the ballot, any candidate  
22 whose name appears on the ballot shall withdraw pursuant to KRS 118.212 or die,  
23 the county clerk shall provide notices to the precinct election officers who shall see  
24 that a notice is conspicuously displayed at the polling place advising voters of the  
25 change, and that votes for the candidate shall not be tabulated or recorded. If the  
26 county clerk learns of the death or withdrawal at least five (5) days prior to the  
27 election and provides the notices required by this subsection and the precinct

1 officers fail to post the notices at the polling place, the officers shall be guilty of a  
2 violation, subject to a fine of not less than ten dollars (\$10) nor more than two  
3 hundred fifty dollars (\$250).

4 ➔Section 5. KRS 118A.190 is amended to read as follows:

- 5 (1) The State Board of Elections shall issue certificates of nomination or election for all  
6 primary and regular elections as provided in this section.
- 7 (2) Following a primary or regular election, the board of elections of each county shall  
8 make out duplicate certificates of the total number of votes received by each  
9 candidate, by circuit or district, and numbered division thereof if divisions exist.  
10 The certificate of the total number of votes shall be certified to the Secretary of  
11 State's Office not later than 12 noon, prevailing time, on the Friday following the  
12 primary or regular election. The clerk shall keep one (1) of the certificates in his or  
13 her office and, within three (3) days of their receipt from the board, shall forward  
14 the other certificate by mail to the Secretary of State who shall deliver it to the State  
15 Board of Elections.
- 16 (3) The State Board of Elections shall meet to count and tabulate the votes received by  
17 the different candidates as certified to the Secretary of State no later than the third  
18 Monday after the primary or regular election. When the board certifies the results of  
19 a primary or regular election, the right to contest the election or primary shall not be  
20 impaired. A majority of the members of the board shall constitute a quorum and  
21 may act. The board shall prepare the certificates of nomination or election in the  
22 office of the board, from the returns made. The certificates shall be in writing and in  
23 duplicate, and shall be signed by the board members. The board shall forward the  
24 original certificate, by mail, to the nominated or elected candidate, unless he or she  
25 has failed to comply with KRS Chapter 121. The duplicate shall be retained in the  
26 office of the board.
- 27 (4) (a) Certificates of nomination following~~for~~ a nonpartisan judicial

1            primary~~[office]~~ shall be issued to the two (2) candidates receiving the highest  
 2            number of votes, except that if more than two (2) candidates are found to have  
 3            received the highest and an equal number of votes for the same office or if two  
 4            (2) or more candidates are found to have received the second highest and an  
 5            equal number of votes for the same office, the election shall be determined by  
 6            lot in the manner the board directs, in the presence of not less than three (3)  
 7            other persons.

8            **(b) Certificates of nomination following a partisan judicial primary shall be**  
 9            **issued to the candidate receiving the highest number of votes, except that if**  
 10           **two (2) or more candidates are found to have received the highest and an**  
 11           **equal number of votes for the same office, the election shall be determined**  
 12           **by lot in the manner the board directs, in the presence of not less than three**  
 13           **(3) other persons.**

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

19            ➔Section 6. KRS 117.125 is amended to read as follows:

20 No make of voting machine shall be approved for use unless it is so constructed that:

- 21 (1) It will ensure~~[insure]~~ secrecy to the voter in the act of voting.
- 22 (2) It provides facilities that will permit votes to be cast for any candidate entitled to  
 23 have his or her name printed upon the ballots at any primary, regular election, or  
 24 special~~[or primary]~~ election, and for or against any public question entitled to be  
 25 placed upon the ballots.
- 26 (3) It will, except at a primary~~[elections]~~, permit a voter to vote for all the candidates  
 27 of one (1) party or for one (1) or more candidates of every party having candidates

- 1 entitled to be voted for, or for one (1) or more independent candidates.
- 2 (4) It will permit a voter to vote for as many persons for an office as the voter~~[he]~~ is  
3 lawfully entitled to vote for, and no more.
- 4 (5) It will prevent a voter from voting for the same person, or for or against the same  
5 question, more than once.
- 6 (6) It will permit a voter to vote for or against any question the voter~~[he]~~ may have the  
7 right to vote on, but no other.
- 8 (7) It may be adjusted for use in a primary~~[elections]~~ so that a voter may not vote for  
9 any person except those seeking nomination as candidates of the voter's~~[his]~~ party,  
10 or as candidates for Judge of the Circuit Court or District Court~~[an office]~~ of the  
11 Court of Justice.
- 12 (8) It will correctly register and accurately count all votes cast for each person, and for  
13 or against each public question.
- 14 (9) It can be determined whether the machine has been unlocked and operated after  
15 once being locked.
- 16 (10) It will show at all times during an election how many persons have voted by a  
17 device hereinafter referred to as a public counter.
- 18 (11) The counter indicating the number of votes cast for each person and for or against  
19 each public question cannot be seen or tampered with without unlocking a covering  
20 device that cannot be unlocked by a key that unlocks any other part of the machine.  
21 When such counters are so exposed the machine can no longer be placed into  
22 condition for operation without the use of a special key, which key shall not have  
23 been in the possession of the election officers at the polling places; but if this  
24 requirement has the effect of eliminating from consideration any other make of  
25 machine such requirement shall not apply.
- 26 (12) The operating device and operating mechanism may be locked before the time for  
27 opening the polls and after the time for closing the polls.

- 1 (13) It is accompanied by a mechanical model illustrating the manner of voting on the  
2 machine, suitable for the instruction of voters.
- 3 (14) It will permit a voter to vote for all the candidates for presidential electors of any  
4 party by one (1) operation.
- 5 (15) It will permit a voter to vote, in any regular or special election, for any person  
6 desired to be voted for whose name does not appear upon the voting machine.
- 7 (16) It bears a number that will distinguish it from any other machine.
- 8 (17) The frames in which ballot labels are placed shall be constructed with transparent  
9 protective devices, in order that the names thereon cannot be mutilated or altered.

10 ➔Section 7. KRS 117.315 is amended to read as follows:

- 11 (1) Each political party is entitled to have not exceeding two (2) challengers at each  
12 precinct during the holding of the primary~~[election]~~. Any group of bona fide  
13 candidates, as defined in KRS 118.176, of the same political party equal to twenty-  
14 five percent (25%) of all the candidates for that party to be voted for in a county in  
15 any primary, including state, district, and all other candidates, may recommend to  
16 the county committee or governing authority of the party for the county a list of  
17 persons whom they desire to have appointed as challengers in each precinct in the  
18 county. If more than two (2) such lists are furnished, the committee or governing  
19 authority, in making appointments of challengers, shall alternate between the  
20 several lists so furnished so as to give to each list an equal amount or proportion of  
21 the appointments, but in no event shall there be appointed more than one (1)  
22 challenger for any precinct from any one (1) list. The list of challengers shall be  
23 presented to the chair or secretary of the party committee of the county on or before  
24 the third Friday in April preceding the primary, and the committee or the chairman  
25 thereof shall make the appointments, certify to same, and present a list of certified  
26 challengers to the county clerk at least twenty (20) days before the date on which  
27 the primary is held. The appointment of challengers shall be certified in all respects



1 as challengers at regular elections, except as otherwise provided in this section. The  
2 challengers shall be registered voters of the county in which the primary is held and  
3 shall be subject to the same penalties and possess the same rights and privileges as  
4 challengers at regular elections, except that the challengers of one political party  
5 shall not be entitled to challenge persons who offer to vote for candidates of any  
6 other party in the primary. The provisions of this section shall be enforceable  
7 against the chair of the political party committees by a mandatory summary  
8 proceeding instituted in the Circuit Court. The order of the court may be reviewed  
9 by the Court of Appeals as provided for the granting or dissolving of temporary  
10 injunctions.

11 (2) Any school board candidate, any independent ticket or candidate for city office, any  
12 nonpartisan city candidate, or candidate for *Judge of the Circuit Court or District*  
13 *Court*~~[an office]~~ of the Court of Justice at the primary or regular election may  
14 designate not more than one (1) challenger to be present at and witness the holding  
15 of primaries or elections in each precinct in the county. *Candidates for Justice of*  
16 *the Supreme Court or Judge of the Court of Appeals in a regular election may*  
17 *designate not more than one (1) challenger to be present at and witness the*  
18 *holding of a regular election in each precinct in the county where the candidate*  
19 *is on the ballot.* A candidate who designates a challenger shall present the county  
20 clerk with the name of the challenger at least twenty (20) days preceding the  
21 primary or regular election. The challenger shall be entitled to stay in the room or at  
22 the door. The challenger shall be a registered voter of the county in which the  
23 primary or election is held, shall be appointed in writing by the chair of the  
24 committee, independent candidate, or candidates representing a ticket, and shall  
25 produce written appointment on demand of any election officer.

26 (3) The county executive committee of any political party having a ticket to elect at any  
27 regular or special election may designate not more than two (2) challengers to be

1 present at and witness the holding of the election in each precinct in the county. The  
2 challengers shall be entitled to stay in the room or at the door. The challengers shall  
3 be registered voters of the county in which the election is held, shall be appointed in  
4 writing signed by the chair of the committee, and shall produce written  
5 appointments on demand of any election officer. The committee or chair shall  
6 present the county clerk with a list of designated challengers at least twenty (20)  
7 days preceding a regular election and at least fifteen (15) days preceding a special  
8 election.

9 (4) Except as provided in KRS Chapter 242, not later than the fourth Tuesday  
10 preceding an election at which constitutional amendments or other public questions  
11 are to be submitted to the vote of the people, any committee that in good faith  
12 advocates or opposes an amendment or public question may file a petition with the  
13 clerk of the county asking that the petitioners be recognized as the committee  
14 entitled to nominate challengers to serve at the election at which the constitutional  
15 amendment or public question is to be voted on. If more than one (1) committee  
16 alleging itself to advocate or oppose the same amendment file such a petition, the  
17 county board of elections shall decide, and announce by certified mail, return  
18 receipt requested, to each committee not less than the third Tuesday preceding the  
19 election, which committee is entitled to nominate the challengers. The decision  
20 shall not be final, but any aggrieved party may institute proceedings with the county  
21 judge/executive and, upon hearing, the county judge/executive shall determine  
22 which of the committees shall be recognized as the one to select challengers at the  
23 election.

24 (5) The committee shall file the names of the persons nominated by it with the clerk of  
25 the county at least twenty (20) days before the primary and regular elections and not  
26 less that fifteen (15) days preceding the date of a special election. The county board  
27 of elections shall, not later than the Thursday preceding the election, certify the

1 nominees of the committee for the respective precincts to serve as challengers at the  
2 election where any constitutional amendment or public question is to be voted upon.  
3 If more than one (1) amendment or question is to be voted upon, the county board  
4 of elections may designate, on the petition of the committee, one (1) person for each  
5 amendment and question to serve as challenger at the election.

6 (6) The challengers shall perform their duties in the same manner and be subject to the  
7 same privileges as other challengers at an election.

8 ➔Section 8. KRS 118.105 is amended to read as follows:

9 (1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115,  
10 every political party shall nominate all of its candidates for elective offices to be  
11 voted for at any regular election at a primary held as provided in this chapter, and  
12 the governing authority of any political party shall have no power to nominate any  
13 candidate for any elective office or to provide any method of nominating candidates  
14 for any elective office other than by a primary as provided in this chapter.

15 (2) Any political organization not constituting a political party as defined in KRS  
16 118.015 may make its nominations as provided in KRS 118.325.

17 (3) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination  
18 made by the primary before the certification of candidates for the regular election  
19 made under KRS 118.215, because of death, disqualification to hold the office  
20 sought, or severe disabling condition which arose after the nomination, the  
21 governing authority of the party may provide for filling the vacancy, but only  
22 following certification to the governing authority, by the Secretary of State, that a  
23 vacancy exists for a reason specified in this subsection. When such a nomination  
24 has been made, the certificate of nomination shall be signed by the chair and  
25 secretary of the governing authority of the party making it, and shall be filed in the  
26 same manner as certificates of nomination at a primary.

27 (4) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination

1 made by the primary before the certification of candidates for the regular election,  
2 and if that party's nominee was the only political party candidate for the office  
3 sought, the governing authority of each party may nominate a candidate for the  
4 regular election, provided that no person has sought that party's nomination by filing  
5 a notification and declaration.

6 (5) If a vacancy occurs in the nomination of a candidate under the conditions of  
7 subsection (3) or (4) of this section prior to September 15 preceding the day of the  
8 regular election, certificates of nomination for replacement candidates shall be filed  
9 in the same manner as provided in subsections (3) and (4) not later than 4 p.m. ten  
10 (10) days after the vacancy occurs, excluding weekends and legal holidays. If a  
11 vacancy occurs in the nomination of a candidate under the conditions of subsection  
12 (3) or (4) of this section on or after September 15 preceding the date of the regular  
13 election, certificates of nomination for replacement candidates shall be filed in the  
14 same manner as provided in subsections (3) and (4) not later than 4 p.m. five (5)  
15 days after the vacancy occurs, excluding weekends and legal holidays.

16 (6) If a vacancy in candidacy described in subsection (5) of this section occurs later  
17 than the second Thursday preceding the date of the regular election, no certificates  
18 of nomination shall be filed and any candidate whose name does not appear on the  
19 ballot may seek election by write-in voting pursuant to KRS 117.265.

20 (7) This section does not apply to candidates for members of boards of education, or  
21 presidential electors, nor to candidates participating in nonpartisan elections, except  
22 those candidates for Justice of the Supreme Court or Judge of the Court of  
23 Appeals. However, regardless of the number of days served by a judge acting as a  
24 Senior Status Special Judge, a judge who elected to retire as a Senior Status Special  
25 Judge in accordance with KRS 21.580 shall not become a candidate for any elected  
26 office during the five (5) year term prescribed in KRS 21.580(1)(a)1.

27 ➔Section 9. KRS 118.215 is amended to read as follows:

- 1 (1) After the order of the names has been determined as provided in KRS 118.225, the  
2 Secretary of State shall certify, to the county clerks of the respective counties  
3 entitled to participate in the nomination or election of the respective candidates, the  
4 name, place of residence, and party of each candidate or slate of candidates for each  
5 office, as specified in the nomination papers or certificates and petitions of  
6 nomination filed with him or her, and shall designate the device with which the  
7 candidate groups, slates of candidates, or lists of candidates of each party shall be  
8 printed, in the order in which they are to appear on the ballot, with precedence to be  
9 given to the party that polled the highest number of votes at the preceding election  
10 for presidential electors, followed by the political party which received the second  
11 highest number of votes, with the order of any other political parties and  
12 independents to be determined by lot. Candidates for county offices and local state  
13 offices shall be listed in the following order: Commonwealth's attorney, circuit  
14 clerk, property valuation administrator, county judge/executive, county attorney,  
15 county clerk, sheriff, jailer, county commissioner, coroner, justice of the peace, and  
16 constable. The names of candidates for President and Vice President shall be  
17 certified in lieu of certifying the names of the candidates for presidential electors.  
18 The names shall be certified as follows:
- 19 (a) Not later than the second Monday after the filing deadline for the primary as  
20 established in KRS 83A.045, 118.165, Section 1 of this Act, and 118A.060;
- 21 (b) Not later than the second Monday following the filing deadline for the regular  
22 election, except as provided in paragraph (c) of this subsection; and
- 23 (c) Not later than the Monday after the Friday following the first Tuesday in  
24 September preceding a regular election, for those years in which there is an  
25 election for President and Vice President of the United States.
- 26 (2) Except as otherwise provided in subsection (3) of this section, all independent  
27 candidates or slates of candidates whose nominating petitions are filed with the

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

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

19 (4) The Secretary of State shall not knowingly certify to the county clerk of any county  
20 the name of any candidate or slate of candidates who has not filed the required  
21 nomination papers, nor knowingly fail to certify the name of any candidate or slate  
22 of candidates who has filed the required nomination papers.

23 (5) If the county clerk determines that the number of certified candidates or slates of  
24 candidates cannot be placed on a ballot which can be accommodated by the voting  
25 machines currently in use by the county, he or she shall so notify the State Board of  
26 Elections not later than the last Tuesday in February preceding the primary or the  
27 last Tuesday in August preceding the regular election. The State Board of Elections

1 shall meet within five (5) days of the notice, review the ballot conditions, and  
2 determine whether supplemental paper ballots are necessary for the election. Upon  
3 approval of the State Board of Elections, supplemental paper ballots may be used  
4 for nonpartisan candidates or slates of candidates for an office or offices and public  
5 questions submitted for a yes or no vote. All candidates or slates of candidates for  
6 any particular office shall be placed either on the machine ballot or on the paper  
7 ballot. Supplemental paper ballots may also be used to conduct the voting, in the  
8 instance of a small precinct as provided in KRS 117.066.

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

11 ➔Section 10. KRS 118.225 is amended to read as follows:

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

24 (2) For all other offices for which nomination papers and petitions are filed with the  
25 Secretary of State, the order of names of candidates for each office shall be  
26 determined by lot at a public drawing to be held in the office of the Secretary of  
27 State at 2 p.m., standard time, on the Thursday following the filing deadline for the

- 1 primary as established in KRS 83A.045, 118.165, Section 1 of this Act, and  
2 118A.060 or the Thursday following the first Tuesday after the first Monday in June  
3 preceding the regular election.
- 4 (3) For all offices for which nomination papers and petitions are filed in the office of  
5 the county clerk, the order in which the names of candidates for each office are to  
6 be printed on the ballot shall be determined by lot at a public drawing in the office  
7 of the county clerk at 2 p.m., standard time, on the Thursday following the filing  
8 deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060 or  
9 the Thursday following the first Tuesday after the first Monday in June preceding  
10 the regular election.
- 11 (4) For all offices for which the deadline for filing nomination papers and petitions is  
12 governed by KRS 83A.165(4)(c), ~~or~~ 118.375(2), or subsections (2)(e) or (3)(b) of  
13 Section 3 of this Act, the order in which the names of candidates for each office are  
14 to be printed shall be determined by lot at a public drawing in the office at the place  
15 of filing at 2 p.m., standard time, on the Thursday following the second Tuesday in  
16 August preceding the regular election.
- 17 (5) If the number of certified candidates or slates of candidates cannot be placed on a  
18 ballot which can be accommodated on voting machines currently in use in the  
19 county, the county clerk shall notify the State Board of Elections, as provided in  
20 KRS 118.215.