

1 AN ACT relating to candidates for President of the United States.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 121 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) At the same time a candidate for President of the United States, including a write-*  
6 *in candidate under KRS 117.265, files his or her petition, statement of candidacy,*  
7 *or notice of candidacy under KRS 118.125, KRS 118.315, KRS 118.325, KRS*  
8 *118.367, or KRS 118.591 he or she shall:*

9 *(a) File with the Registry of Election Finance a copy of the federal income tax*  
10 *return described in 26 U.S.C. sec. 6103(b)(1) that he or she filed with the*  
11 *Internal Revenue Service for the three (3) most recent taxable years; and*

12 *(b) Provide written consent to the Registry of Election Finance, in a form*  
13 *promulgated by the registry by administrative regulation under KRS*  
14 *Chapter 13A, for the public disclosure of the returns described in paragraph*  
15 *(a) of this subsection.*

16 *(2) A candidate for President of the United States, including a write-in candidate*  
17 *under KRS 117.265, shall also file with his or her petition, statement of*  
18 *candidacy, or notice of candidacy under KRS 118.125, KRS 118.315, KRS*  
19 *118.325, KRS 118.367, or KRS 118.591 a notification and oath of declaration of*  
20 *compliance that the provisions of subsection (1) of this section have been met.*  
21 *The form of the notification and oath of declaration of compliance shall be*  
22 *prescribed by the State Board of Elections.*

23 *(3) Federal income tax returns filed with the Registry of Election Finance under this*  
24 *section by a candidate for President of the United States shall be made publicly*  
25 *available on the Web site of the Registry of Election Finance no later than seven*  
26 *(7) days after the candidate's federal income tax returns have been filed under*  
27 *subsection (1) of this section, subject to redaction by the registry under subsection*

1       *(4) of this section.*

2       *(4) Prior to making public any federal income tax return filed under this section, the*  
3       *Registry of Election Finance shall redact information that the registry deems*  
4       *appropriate to protect the candidate's privacy.*

5       *(5) Notwithstanding any other law to the contrary, if a candidate for President of the*  
6       *United States does not timely file his or her income tax returns with the Registry*  
7       *of Election Finance under this section, that candidate's name shall not be printed*  
8       *upon the official ballot for a primary or regular election.*

9       ➔Section 2. KRS 118.125 is amended to read as follows:

10      (1) Except as provided in KRS 118.155, any person who is qualified under the  
11      provisions of KRS 116.055 to vote in any primary for the candidates for nomination  
12      by the party at whose hands he or she seeks the nomination, shall have his or her  
13      name printed on the official ballot of his or her party for an office to which he is  
14      eligible in that primary, upon filing, with the Secretary of State or county clerk, as  
15      appropriate, at the proper time, a notification and declaration.

16      (2) The notification and declaration shall be in the form prescribed by the State Board  
17      of Elections. It shall be signed by the candidate and by not less than two (2)  
18      registered voters of the same party from the district or jurisdiction from which the  
19      candidate seeks nomination. Signatures for nomination papers shall not be affixed  
20      on the document to be filed prior to the first Wednesday after the first Monday in  
21      November of the year preceding the year in which the office will appear on the  
22      ballot.

23      (a) The notification and declaration for a candidate for an office other than  
24      Governor or Lieutenant Governor shall include the following oath:

25                "For the purpose of having my name placed on the official primary  
26      election ballot as a candidate for nomination by the ----- Party, I, ----- (name  
27      in full as desired on the ballot as provided in KRS 118.129), do solemnly

1 swear that my residence address is ----- (street, route, highway, city if  
2 applicable, county, state, and zip code), that my mailing address, if different,  
3 is ----- (post office address), and that I am a registered ----- (party) voter in ---  
4 --- precinct; that I believe in the principles of the ----- Party, and intend to  
5 support its principles and policies; that I meet all the statutory and  
6 constitutional qualifications for the office which I am seeking; that if  
7 nominated as a candidate of such party at the ensuing election I will accept the  
8 nomination and not withdraw for reasons other than those stated in KRS  
9 118.105(3); that I will not knowingly violate any election law or any law  
10 relating to corrupt and fraudulent practice in campaigns or elections in this  
11 state, and if finally elected I will qualify for the office."

12 The declaration shall be subscribed and sworn to before an officer authorized  
13 to administer an oath by the candidate and by the two (2) voters making the  
14 declaration and signing the candidate's petition for office.

15 (b) The notification and declaration for a slate of candidates for Governor and  
16 Lieutenant Governor shall include the following oath:

17 "For the purpose of having our names placed on the official primary  
18 election ballot as a slate of candidates for Governor and Lieutenant Governor  
19 for nomination by the ----- Party, I, -----, (name of candidate for Governor in  
20 full as desired on the ballot as provided in KRS 118.129), do solemnly swear  
21 that my residence address is ----- (street, route, highway, city if applicable,  
22 county, state, and zip code), that my mailing address, if different, is ----- (post  
23 office address), and that I am a registered ----- (party) voter in ----- precinct;  
24 and I, -----, (name of candidate for Lieutenant Governor in full as desired on  
25 the ballot as provided in KRS 118.129), do solemnly swear that my residence  
26 address is ----- (street, route, highway, city if applicable, county, state, and zip  
27 code), that my mailing address, if different, is ----- (post office address), and

1           that I am a registered ----- (party) voter in ----- precinct; that we believe in  
2           the principles of the ----- Party, and intend to support its principles and  
3           policies; that we meet all the statutory and constitutional qualifications for the  
4           offices which we are seeking; that we will accept the nomination and not  
5           withdraw for reasons other than those stated in KRS 118.105(3); that we will  
6           not knowingly violate any election law or any law relating to corrupt or  
7           fraudulent practice in campaigns or elections in this state, and if finally elected  
8           we will qualify for our offices."

9           The declaration shall be subscribed and sworn to before an officer authorized  
10          to administer an oath by the candidate and by the two (2) voters making the  
11          declaration and signing the petition for office.

12 (3) When the notice and declaration has been filed with the Secretary of State or county  
13 clerk, as appropriate, and certified according to KRS 118.165, **and the federal**  
14 **income tax returns described in Section 1 of this Act have been filed with the**  
15 **Registry of Election Finance**, the Secretary of State or county clerk, as appropriate,  
16 shall have the candidate's name printed on the ballot according to the provisions of  
17 this chapter, except as provided in KRS 118.185.

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

21 ➔Section 3. KRS 118.212 is amended to read as follows:

22 (1) If, before the time of certification of candidates who will appear on the ballot  
23 provided in KRS 118.215, any candidate whose notification and declaration or  
24 certificate or petition of nomination has been filed in the office of the Secretary of  
25 State dies or notifies the Secretary of State in writing, signed and properly notarized  
26 that he **or she** will not accept the nomination or election, the Secretary of State shall  
27 not certify his **or her** name.

- 1 (2) *If a candidate for President of the United States fails to file a copy of the federal*  
2 *income tax returns as required by Section 1 of this Act, that candidate shall not*  
3 *be certified for the office of President of the United States by the Secretary of*  
4 *State.*
- 5 (3) If, after the certification of candidates who will appear on the ballot, any candidate  
6 whose notification and declaration or certificate or petition of nomination has been  
7 filed in the office of the county clerk dies or notifies the clerk, in the manner  
8 described in subsection (1) of this section, that he *or she* will not accept the  
9 nomination or election, the clerk shall ensure that notice is provided to the  
10 appropriate precincts as provided in subsection ~~(6)~~(5) of this section.
- 11 ~~(4)~~(3) If, after the certification of candidates who will appear on the ballot, any  
12 candidate whose notification and declaration or certificate or petition of nomination  
13 has been filed in the office of the Secretary of State dies or notifies the Secretary of  
14 State in the manner described in subsection (1) of this section, that he *or she* will  
15 not accept the nomination or election, the Secretary of State shall immediately  
16 notify the appropriate county clerk, and the clerk shall ensure that notice is provided  
17 to the appropriate precincts as provided in subsection ~~(6)~~(5) of this section.
- 18 ~~(5)~~(4) If, after the certification of candidates who will appear on the ballot, any  
19 candidate whose name appears on the ballot shall officially withdraw or die, neither  
20 the precinct election officers nor the county board of elections shall tabulate or  
21 record the votes cast for the candidate; and, if there is only one (1) remaining  
22 candidate on the ballot for that office in a primary~~[-election]~~, following the  
23 withdrawal or death of the other candidate or candidates, neither the precinct  
24 election officers nor the county board of elections shall tabulate or record the votes  
25 for the remaining candidate, and the officer with whom the remaining candidate has  
26 filed his or her nomination papers shall immediately issue and file in his or her  
27 office a certificate of nomination for that remaining candidate and send a copy to

1           the remaining candidate.

2    ~~(6)~~~~(5)~~    If, after the certification of candidates who will appear on the ballot, any  
3           candidate whose name appears on the ballot shall officially withdraw or die, the  
4           county clerk shall provide a notice to the precinct election officers who shall see  
5           that the notice is conspicuously displayed at the polling place advising voters of the  
6           change, and that votes for the candidate shall not be tabulated or recorded. If the  
7           county clerk learns of the death or withdrawal at least five (5) days prior to the  
8           election and provides the notice required by this subsection and the precinct officers  
9           fail to post the notice at the polling place, the precinct officers shall be guilty of a  
10          violation subject to a fine of not less than ten dollars (\$10) nor more than two  
11          hundred fifty dollars (\$250).