

1 AN ACT relating to vacancies in elective office.

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

3 ➔Section 1. KRS 83A.165 (Effective November 6, 2019) is amended to read as
4 follows:

- 5 (1) A candidate running to fill the unexpired term of any city office shall file his or her
6 nomination papers in accordance with~~the provisions of~~ KRS 83A.045, 118.365,
7 118.375, and 83A.047.
- 8 (2) Vacancies in the office of mayor or city legislative body that are to be filled
9 temporarily by appointment shall be governed by the provisions of KRS 83A.040
10 and Section 152 of the Kentucky Constitution.
- 11 (3) Vacancies in the office of mayor or city legislative body that are to be filled by
12 partisan election shall be governed by the following provisions:
- 13 (a) Vacancies in candidacy shall be governed by KRS 118.105;
- 14 (b) Nominations for unexpired terms shall be governed by KRS 118.115 and
15 Section 152 of the Kentucky Constitution; and
- 16 (c) Independent candidates filing to fill a vacancy shall be governed by KRS
17 118.375.
- 18 (4) Vacancies in the office of mayor or city legislative body that are to be filled by
19 nonpartisan election shall be governed by the following provisions:
- 20 (a) If the vacancy occurs not less than one hundred sixty (160) days before a May
21 primary, candidates to fill the vacancy shall be nominated at that primary in
22 the manner prescribed in KRS 83A.170;
- 23 (b) If the vacancy occurs on or after the one hundred sixtieth day before a May
24 primary or at any time before the time prescribed in KRS 118.365 for filing
25 petitions of nomination, the election to fill the unexpired term shall be held
26 without a primary in the manner prescribed in Section 152 of the Kentucky
27 Constitution. Petitions of nomination for candidates to fill the vacancy shall

1 be filed at the time and place prescribed in KRS 118.365;

2 (c) If the vacancy occurs after the time prescribed in KRS 118.365 for filing
3 petitions of nomination, but not less than three (3) months before the regular
4 election, petitions of nomination for candidates to fill the vacancy shall be
5 filed not later than the second Tuesday in August preceding the regular
6 election for the office sought;~~and~~

7 (d) Notwithstanding any other statute to the contrary, if the vacancy occurs five
8 (5) calendar days or less before the time prescribed for filing petitions of
9 nomination, candidates for unexpired terms to be filled at a regular election
10 may file their petitions not later than ten (10) additional calendar days,
11 excluding weekends and legal holidays, after the time prescribed for filing
12 petitions;

13 (e) The petition shall be filed no later than 4 p.m. local time at the place of
14 filing when filed on the last date on which papers are permitted to be filed;
15 and

16 (f) Vacancies in candidacy in any city that has eliminated the nonpartisan primary
17 election pursuant to KRS 83A.045 shall be governed by the provisions of
18 KRS 83A.045(2)(b)6.

19 ➔Section 2. KRS 118.115 (Effective November 6, 2019) is amended to read as
20 follows:

21 (1) Except as provided in subsection (2)(b) of KRS 83A.045 governing vacancies in
22 candidacy, candidates for unexpired terms to be filled at a regular election shall be
23 nominated as prescribed in subsection (2) of this section.

24 (2) (a) If the vacancy occurs not less than one hundred sixty (160) days before the
25 primary, the nomination shall be made at the primary next preceding the
26 regular election~~, if the vacancy occurred not less than one hundred sixty (160)~~
27 ~~days before the primary];[-]~~

1 **(b)** If the vacancy ~~occurs~~~~[occurred]~~ less than one hundred sixty (160) days before
2 the primary, the nomination shall be made in a manner determined by the
3 governing authority of the political party concerned; **or**

4 **(c) If the vacancy occurs five (5) calendar days or less before the filing**
5 **deadlines prescribed by the election law generally for filing nomination**
6 **papers for that office, candidates for unexpired terms to be filled at a**
7 **regular election may file their nomination papers not later than ten (10)**
8 **additional calendar days, excluding weekends and legal holidays, after the**
9 **time prescribed for filing nomination papers. All nomination papers shall**
10 **be filed no later than 4 p.m. local time at the time and place of filing when**
11 **filed on the last date on which papers are permitted to be filed.**

12 **(3)** In the preparation of ballots, candidates for full terms shall be grouped together, and
13 candidates for unexpired terms shall be grouped together, under appropriate
14 headings, so that the voter may easily distinguish the candidates for full terms from
15 the candidates for unexpired terms.

16 **(4)**~~[(2)]~~ A judge who elected to retire as a Senior Status Special Judge in accordance
17 with KRS 21.580 shall not become a candidate or a nominee for any elected office
18 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
19 number of days served by the judge acting as a Senior Status Special Judge.

20 ➔Section 3. KRS 118.165 (Effective November 6, 2019) is amended to read as
21 follows:

22 (1) Except as provided in KRS Chapters 116 to 121, candidates for offices to be voted
23 for by the electors of one (1) county or of a district less than one (1) county, except
24 members of Congress and members of the General Assembly, shall file their
25 nomination papers with the county clerk of the county not earlier than the first
26 Wednesday after the first Monday in November of the year preceding the year the
27 office will appear on the ballot and not later than the first Friday following the first

1 Monday in January preceding the day fixed by law for holding the primary.

2 (2) Candidates for offices to be voted for by the electors of more than one (1) county,
3 and for members of Congress and members of the General Assembly, shall file their
4 nomination papers with the Secretary of State not earlier than the first Wednesday
5 after the first Monday in November of the year preceding the year the office will
6 appear on the ballot and not later than the first Friday following the first Monday in
7 January preceding the day fixed by law for holding the primary. Signatures for
8 nomination papers shall not be affixed on the document to be filed prior to the first
9 Wednesday after the first Monday in November of the year preceding the year in
10 which the office will appear on the ballot.

11 **(3) If a vacancy occurs in any elective office under this section five (5) calendar days**
12 **or less before the filing deadline prescribed in this section for filing nomination**
13 **papers, candidates for an unexpired term to be filled at a regular election may file**
14 **their nomination papers not later than ten (10) additional calendar days,**
15 **excluding weekends and legal holidays, after the time prescribed for filing**
16 **nomination papers.**

17 **(4)** All nomination papers shall be filed no later than 4 p.m. local time at the place of
18 filing when filed on the last date on which the papers may be filed.

19 ~~(5)(3)~~ The Secretary of State or the county clerk shall examine the notification and
20 declaration form of each candidate to determine whether it is regular on its face. If
21 there is an error, the proper officer shall notify the candidate by certified mail within
22 twenty-four (24) hours of filing.

23 ~~(6)(4)~~ A judge who elected to retire as a Senior Status Special Judge in accordance
24 with KRS 21.580 shall not become a candidate or a nominee for any elected office
25 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
26 number of days served by the judge acting as a Senior Status Special Judge.

27 ➔Section 4. KRS 118.365 is amended to read as follows:

- 1 (1) Certificates of nomination issued by the State Board of Elections shall be filed by
2 that board with the Secretary of State immediately. The certificates issued by the
3 county board of elections shall be filed by that board with the county clerk
4 immediately.
- 5 (2) Petitions of nomination for candidates for city offices except as provided in KRS
6 83A.047, for candidates for members of boards of education, and for candidates for
7 supervisors of soil and water conservation districts shall be filed with the county
8 clerk not earlier than the first Wednesday after the first Monday in November of the
9 year preceding the year in which the office will appear on the ballot and not later
10 than the first Tuesday after the first Monday in June preceding the day fixed by law
11 for the holding of regular elections for the offices sought.
- 12 (3) Candidates for an office, the nomination to which is to be made by a convention
13 pursuant to KRS 118.325(1) and (2), except for the office of electors of President
14 and Vice President of the United States, shall file the statements required by KRS
15 118.325(3), with the official designated in KRS 118.165 with whom notification
16 and declaration are filed for the office, not earlier than the first Wednesday after the
17 first Monday in November of the year preceding the year in which the office will
18 appear on the ballot and not later than the first Tuesday after the first Monday in
19 June preceding the regular election for the office sought.
- 20 (4) Certificates of nomination made by the governing authority of a political party
21 within the meaning of KRS 118.015 or a political organization not constituting a
22 political party within the meaning of KRS 118.015 but whose candidate received
23 two percent (2%) of the vote of the state at the last preceding election for
24 presidential electors to fill vacancies in office, as provided in KRS 118.115 and
25 118.325, shall be filed as required with the Secretary of State or county clerk not
26 earlier than the first Wednesday after the first Monday in November of the year
27 preceding the year in which the offices will appear on the ballot and not later than

1 the first Tuesday after the first Monday in June preceding the day fixed by law for
2 the election of the person in nomination.

3 (5) Except as otherwise provided in this section, petitions of nomination shall be filed
4 as required with the Secretary of State or county clerk not earlier than the first
5 Wednesday after the first Monday in November of the year preceding the year in
6 which the offices will appear on the ballot and not later than the first Tuesday after
7 the first Monday in June preceding the day fixed by law for the holding of regular
8 elections for the offices sought. Certificates of nomination shall be filed with the
9 Secretary of State or county clerk, as required by law, not earlier than the first
10 Wednesday after the first Monday in November of the year preceding the year in
11 which the offices will appear on the ballot and not later than the first Tuesday after
12 the first Monday in June preceding the day fixed by law for the holding of regular
13 elections for the offices sought. The filing of petitions of nomination for
14 independent, or political organization, or political group candidates shall not be
15 accepted by the Secretary of State or the county clerk if the candidate has not filed a
16 statement-of-candidacy form as required by KRS 118.367.

17 (6) Petitions and certificates of nomination for electors of President and Vice President
18 of the United States shall be filed with the Secretary of State not earlier than the
19 first Wednesday after the first Monday in November of the year preceding the year
20 in which there is an election for President and Vice President of the United States
21 and not later than the Friday following the first Tuesday in September preceding the
22 date fixed by law for the election of the electors.

23 (7) If a vacancy occurs in any elective office for which a petition of nomination is
24 required to be filed under this section, and that vacancy occurs five (5) calendar
25 days or less before the filing deadlines prescribed in this section for filing
26 petitions of nomination, candidates for unexpired terms to be filled at a regular
27 election may file their petitions not later than ten (10) additional calendar days,

1 excluding weekends and legal holidays, after the time prescribed for filing
2 petitions.

3 **(8)** Petitions for recall elections or elections on public questions shall be filed as
4 required with the county clerk not later than the second Tuesday in August
5 preceding the day fixed by law for holding a regular election.

6 **(9)**~~**(8)**~~ Petitions of any kind named in this section, statements, and certificates of
7 nomination shall be filed no later than 4 p.m. local time at the place of filing when
8 filed on the last date on which papers are permitted to be filed.

9 ➔Section 5. KRS 118.375 (Effective November 6, 2019) is amended to read as
10 follows:

11 (1) If a vacancy occurs in any elective office **to be filled at a regular election** less than
12 one hundred sixty (160) days before the primary or at any time before the time
13 prescribed in KRS 118.365 for filing petitions of nomination, independent, or
14 political organization, or political group candidates may file their petitions at the
15 time and place provided in KRS 118.365, subject to the restrictions concerning
16 party registration and candidacy provided in KRS 118.315(1).

17 (2) If a vacancy occurs in any elective office **to be filled at a regular election** after the
18 time prescribed in KRS 118.365 for filing petitions of nomination, but not less than
19 three (3) months before the regular election, independent, or political organization,
20 or political group candidates may file their petitions not later than the second
21 Tuesday in August preceding the regular election for the office sought, subject to
22 the restrictions concerning party registration and candidacy provided in KRS
23 118.315(1).

24 (3) **If a vacancy occurs in any elective office to be filled at a regular election five (5)**
25 **calendar days or less before the time prescribed in this section for filing petitions**
26 **for nomination, independent, or political organization, or political group**
27 **candidates may file their petitions not later than ten (10) additional calendar**

1 days, excluding weekends and legal holidays, after the time prescribed for filing
2 petitions.

3 (4) Petitions for nomination under this section shall be filed no later than 4 p.m.
4 local time at the place of filing when filed on the last date on which papers are
5 permitted to be filed.

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

10 ➔Section 6. KRS 118A.100 (Effective November 6, 2019) is amended to read as
11 follows:

12 (1) Candidates for an unexpired term of a judicial office to be filled at a regular election
13 shall be nominated at the primary next preceding the regular election in the manner
14 prescribed in KRS 118A.060 if the vacancy occurs not later than the second Friday
15 in December preceding the primary. If the vacancy occurs on or after that date, the
16 election to fill the unexpired term shall be held in accordance with the procedures
17 described in this section and Section 152 of the Constitution of Kentucky.

18 (2) If in a regular election for judicial office no candidates nominated as provided in
19 KRS 118A.060 are available due to death, incapacity, or withdrawal, and the
20 candidates have not been replaced as provided in KRS 118A.060, the election to fill
21 the regular term shall be conducted in the manner prescribed in subsections (3)
22 through (11) of this section.

23 (3) (a) If a vacancy occurs prior to the first Tuesday after the first Monday in June,
24 each candidate shall file a petition for nomination with the Secretary of State
25 not earlier than the first Wednesday after the first Monday in November of the
26 year preceding the year in which the election for the unexpired term will be
27 held and not later than the first Tuesday after the first Monday in June

preceding the day fixed by law for holding the regular election for the unexpired term;~~[-, if the vacancy occurs prior to the first Tuesday following the first Monday in June.]~~

(b) If the vacancy occurs after the first Tuesday following the first Monday in June, each candidate shall file a petition for nomination with the Secretary of State not later than the second Tuesday in August preceding the day fixed by law for holding the regular election for the unexpired term;or

(c) *If the vacancy occurs five (5) calendar days or less before the filing deadlines prescribed in this section for filing a petition for nomination, each candidate for an unexpired term of a judicial office to be filled at a regular election may file a petition for nomination not later than ten (10) additional calendar days, excluding weekends and legal holidays, after the time prescribed for filing petitions.*

(4) **(a)** The petition **for nomination** shall be sworn to by the candidate and by not less than two (2) registered voters from the district or circuit from which he or she seeks nomination, before an officer authorized to administer an oath. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot;~~[-]~~

(b) The petition **for nomination** shall be filed no later than 4 p.m. local time at the place of filing when filed on the last date on which the papers are permitted to be filed;and~~[-]~~

(c)~~(4)~~ The petition for nomination shall be in the form prescribed by the State Board of Elections. The petition shall include a declaration sworn to by the candidate, that he or she possesses all the constitutional and statutory requirements of the office for which the candidate has filed. Titles, ranks, or spurious phrases shall not be accepted on the petition and shall not be printed

1 on the ballots as part of the candidate's name; however, nicknames, initials,
2 and contractions of given names may be acceptable as the candidate's name.

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

6 (6) **(a) For those petitions for nomination required to be filed no later than the first**
7 **Tuesday following the first Monday in June,** the order of names on the ballot
8 for each district or circuit, and numbered division if divisions exist, shall be
9 determined by lot at a public drawing to be held in the office of the Secretary
10 of State at 2 p.m., standard time, on the Thursday following the first Tuesday
11 after the first Monday in June preceding the regular election; ~~for those~~
12 ~~petitions for nomination required to be filed no later than the first Tuesday~~
13 ~~following the first Monday in June.]~~

14 **(b)** For those petitions for nomination required to be filed no later than the second
15 Tuesday in August, the order of names on the ballot for each district and
16 circuit, and numbered division if divisions exist, shall be determined by lot at
17 a public drawing to be held in the office of the Secretary of State at 2 p.m.,
18 standard time, on the Thursday following the second Tuesday in August
19 preceding the regular election; **and**

20 **(c) For those petitions for nomination required to be filed no later than the**
21 **filing deadline prescribed in subsection (3)(c) of this section, the order of**
22 **names on the ballot for each district and circuit, and numbered division if**
23 **divisions exist, shall be determined by lot at a public drawing to be held in**
24 **the office of the Secretary of State at 2 p.m., standard time, on the Thursday**
25 **following the extended filing deadline preceding the regular election.**

26 (7) Not later than the date set forth in KRS 118.215 and after the order of names on the
27 ballot has been determined as required in subsection (6) of this section, the

1 Secretary of State shall:

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

7 (b) Designate for the county clerks the office of the Court of Justice with which
8 the names of candidates shall be printed and the order in which they are to
9 appear on the ballot.

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

12 (9) The county clerks of each county shall cause to be printed on the ballot labels for
13 the voting machines and on the absentee ballots for the regular election the names
14 of the candidates for offices of the Court of Justice.

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

24 (11) The candidate receiving the highest number of votes cast at the regular election for a
25 district or circuit, or for a numbered division if divisions exist, shall be elected.

26 (12) A judge who elected to retire as a Senior Status Special Judge in accordance with
27 KRS 21.580 shall not become a candidate or a nominee for any elected office

1 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
2 number of days served by the judge acting as a Senior Status Special Judge.

3 ➔Section 7. KRS 118.225 (Effective November 6, 2019) is amended to read as
4 follows:

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

17 (2) For all other offices for which nomination papers and petitions are filed with the
18 Secretary of State, the order of names of candidates for each office shall be
19 determined by lot at a public drawing to be held in the office of the Secretary of
20 State at 2 p.m., standard time, on the Thursday following the filing deadline for the
21 primary as established in KRS 83A.045, 118.165, and 118A.060 or the Thursday
22 following the first Tuesday after the first Monday in June preceding the regular
23 election.

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

1 deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060 or
2 the Thursday following the first Tuesday after the first Monday in June preceding
3 the regular election.

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

9 (5) For all offices for which the deadline for filing nomination papers and petitions
10 for filling unexpired terms in elective office at the regular election has been
11 extended as provided in Sections 1, 2, 3, 4, 5, and 6 of this Act, the order in which
12 the names of candidates for each unexpired term are to be printed on the ballot
13 shall be determined by lot at a public drawing in the office at the place of filing at
14 2 p.m., standard time, on the Thursday following the extended filing deadline
15 preceding the regular election.

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

20 ➔Section 8. KRS 132.380 is amended to read as follows:

21 (1) (a) Before any person's name shall appear before the voters on election day as a
22 candidate for the office of property valuation administrator in any primary or
23 regular~~general~~ election, except a current property valuation administrator
24 already qualified as a candidate to succeed himself or herself in office, or
25 before that person may be appointed property valuation administrator, except
26 as an interim appointee as provided by KRS 132.375, that person shall hold a
27 certificate issued by the department, showing that he or she has been

- 1 examined by the department and is qualified for the office.
- 2 (b) All certificates issued shall expire **four (4) years**~~one (1) year~~ from the date
3 of issuance.
- 4 (c) The examinations shall be written and formulated so as to test fairly the ability
5 and fitness of the applicant to serve as property valuation administrator.
- 6 (d) The department shall hold the examination at a central location during the
7 month of November of each year immediately preceding each year in which
8 property valuation administrators are to be elected.
- 9 (e) The department shall, at least thirty (30) days prior to the examination, issue a
10 statewide press release announcing the examination and post the
11 announcement on the department's Web site.
- 12 (f) Any person desiring to take an examination shall appear at the time and place
13 designated.
- 14 (2) (a) If, after the giving of the examination, as provided in subsection (1) of this
15 section, there is no person qualified to be a candidate in the county, the
16 department shall hold a second examination.
- 17 (b) Applicants from only those counties having no person qualified shall be
18 eligible to take the examination.
- 19 (c) Notice of the second examination shall be made by issuing a press release in
20 those counties and posting an announcement for the examination on the
21 department's Web site at least fourteen (14) days prior to the second
22 examination.
- 23 (3) (a) If no qualified candidate files for the office, a special examination shall be
24 given at a time determined by the department.
- 25 (b) Notice of and registration for the special examination shall be provided in the
26 same manner as provided in subsection (2) of this section.
- 27 (4) (a) Whenever there is a vacancy in the office of property valuation administrator

- 1 to be filled by appointment or by election,~~[- and there is not more than one (1)~~
2 ~~person holding a valid certificate and eligible for appointment or election,]~~ the
3 department shall hold a special examination for applicants seeking a
4 certificate for the office. **No person shall be appointed property valuation**
5 **administrator to fill a vacancy, except as an interim appointee under KRS**
6 **132.375, until the department has issued the certificates required under**
7 **subsection (1) of this section following the special examination.**
- 8 (b) If, after the giving of a special examination, only one (1) person is qualified,
9 the county judge/executive may request a second examination.
- 10 (c) Notice of and registration for ~~any[the]~~ special examination **given under this**
11 **subsection** shall be provided in the same manner as provided by subsection
12 (2) of this section.
- 13 (5) (a) Examinations shall be given and graded in accordance with rules of the
14 department published at the time of the examination.
- 15 (b) Within ten (10) days after the examination, a certificate of fitness and
16 qualification to fill the office of property valuation administrator shall be
17 issued by the department to each person passing the examination.
- 18 (6) Examination records shall be preserved by the department for **forty-eight**
19 **(48)**~~twelve (12)]~~ months after the examination, and the record of any person who
20 took the examination may be seen by him or her at the office of the department in
21 Frankfort, Kentucky.