

1 AN ACT relating to elections and declaring an emergency.

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

3 ➔Section 1. KRS 116.112 is amended to read as follows:

4 (1) The State Board of Elections shall establish a voter registration purge program
5 using the change-of-address information supplied by the United States Postal
6 Service through its licensees or other sources to identify voters whose addresses
7 may have changed. The State Board of Elections is authorized to enter into
8 agreements with other governmental agencies to further voter list maintenance
9 practices. Intergovernmental agreements for the exchanging of any data shall be
10 permitted if the ~~sole~~ purpose of exchanging data is to remove ineligible voters.
11 The data shall not be subject to any commercial use, directly or indirectly, or third-
12 party access to the voter registration system.

13 (2) (a) If it appears from information provided by the postal service or other sources
14 that a voter has moved to a different address in the same county in which the
15 voter is currently registered, the State Board of Elections shall provide to the
16 county board of elections the information necessary to change the registration
17 records to show the new address and the State Board of Elections shall send to
18 the new address a notice of the change by forwardable mail on a form
19 prescribed by the State Board of Elections and a postage prepaid, pre-
20 addressed return form by which the voter may verify or correct the address
21 information.

22 (b) If the county board of elections requests authorization from the State Board of
23 Elections to send address confirmation notices as provided in this subsection,
24 the State Board of Elections shall grant the request.

25 (3) (a) If it appears from information provided by the postal service or other sources
26 that a voter has moved to a different address not in the same county, the State
27 Board of Elections shall send to the address from which the voter was last

1 registered, by forwardable mail, a notice on a form prescribed by the State
2 Board of Elections, with a postage prepaid and pre-addressed return card on
3 which the voter may state his or her current address.

4 (b) If a county board of elections requests authorization from the state board to
5 send address confirmation notices as provided in this subsection, the state
6 board shall grant the request.

7 (4) The state or county boards of elections shall not remove the name of a voter from
8 the registration records on the ground that the voter has changed his or her
9 residence unless the voter:

10 (a) Confirms in writing, or on a form provided by the State Board of Elections on
11 its official website, that the voter has changed residence to a place outside the
12 county; or

13 (b) 1. Has failed to respond to the notice described in subsection (3) of this
14 section; and

15 2. Has not voted or appeared to vote and, if necessary, correct the
16 registration records of the voter's address in an election during the
17 period beginning on the date of the notice and ending on the day after
18 the date of the second general election for federal office that occurs after
19 the date of the notice.

20 If a county board of elections requests authorization from the state board to conduct
21 purges of voters in its county in accordance with the provisions of this subsection,
22 the state board shall grant the request.

23 (5) The State Board of Elections shall establish an inactive list of all voters who fail to
24 respond to the notice described in subsection (3) of this section and do not vote or
25 appear to vote in an election during the period beginning on the date of the notice
26 and ending on the day after the date of the second general election for federal office
27 that occurs after the date of the notice. If a county board of elections requests

1 authorization from the state board to establish an inactive list of voters for its
2 county, the state board shall grant the request.

3 (6) The State Board of Elections shall complete, not later than ninety (90) days prior to
4 the date of a primary or regular election, any program the purpose of which is to
5 systematically remove the names of ineligible voters from the registration records.

6 (7) Voters placed on an inactive list are to be counted only for purposes of voting and
7 not for purposes of establishing or modifying precincts, calculating the amount of
8 reimbursement of county clerks by the State Board of Elections for certain election-
9 related expenses, or reporting official statistics, except as provided by the Election
10 Assistance Commission's regulations promulgated pursuant to the National Voter
11 Registration Act of 1993.

12 (8) (a) The State Board of Elections and county boards of elections shall maintain for
13 at least two (2) years and shall make available for public inspection and,
14 where available, photocopying at a reasonable cost, all records concerning the
15 implementation of programs and activities conducted for the purpose of
16 ensuring the accuracy and currency of the registration records, except to the
17 extent that the records relate to the declination to register to vote or the
18 identity of a voter registration agency through which any particular voter is
19 registered.

20 (b) The records maintained pursuant to paragraph (a) of this subsection shall
21 include lists of the names and addresses of all persons to whom notices
22 described in subsection (3) are sent, and information concerning whether each
23 person has responded to the notice as of the date that inspection of the records
24 is made.

25 ➔Section 2. KRS 116.200 is amended to read as follows:

26 (1) (a) On or before January 1, 2011, each city clerk, except in consolidated local
27 governments and urban-county governments, shall provide the clerk of the

- 1 county or counties in which the city is located with a list of all properties
2 within the city and a map of the city boundaries for the county clerk to
3 maintain a roster of voters who are eligible to vote in city elections. A county
4 clerk may accept the list of city properties in an electronic format and the city
5 clerk may provide a copy of the city's boundary map maintained by the
6 Kentucky Commonwealth Office of Technology, Division of Geographic
7 Information Systems; and
- 8 (b) Documentation of any change to the boundaries of a city shall be reported to
9 the county clerk in accordance with KRS 81A.475.
- 10 (2) (a) On or before January 1, 2011, each school district board shall provide the
11 clerk of the county in which the school district is located with maps and
12 written descriptions of the boundaries of each school board district located in
13 the county for the county clerk to maintain a roster of voters who are eligible
14 to vote in school board elections.
- 15 (b) Documentation of any change to a school district's boundaries shall be
16 reported to the county clerk within sixty (60) days of the change, or
17 immediately if the change is within sixty (60) days of the ~~June~~^{August} 1
18 deadline established in KRS 160.210(4)(d).
- 19 (3) Each county clerk shall code all registered voters in that county in such a manner
20 that precinct election officers may determine the voter's eligibility to vote in city
21 and school board elections prior to each primary and regular election for city
22 officers in that county, each regular election for school board members in that
23 county, and each special election in which a ballot question is presented to the
24 residents of a city or a school board district.
- 25 (4) Notwithstanding KRS 64.012, the county clerk shall not charge a fee to a city or
26 school district providing any information required by subsections (1)(a) and (2)(a)
27 of this section.

1 (5) Nothing in this section shall prohibit a county clerk from requesting additional
 2 information from the city, school district board, or any other reliable source to
 3 ascertain whether a registered voter resides within a city or a school district
 4 boundary.

5 ➔Section 3. KRS 117.125 is amended to read as follows:

6 (1) ~~A~~~~no~~ voting system or voting equipment shall be approved for use ~~after January~~
 7 ~~1, 2024,~~ by the State Board of Elections, either upon initial examination or
 8 reexamination, and ~~no~~ voting equipment or a voting system shall ***not*** be
 9 purchased ~~after July 14, 2022,~~ unless the system and equipment has been certified
 10 under KRS 117.379 and is so constructed that it shall:

11 (a)~~(1)~~ Ensure secrecy to the voter in the act of voting so that no person can see
 12 or know for whom any other voter has voted or is voting, except for those
 13 voters requiring assistance under KRS 117.255;

14 (b)~~(2)~~ Permit votes to be cast for any candidate entitled to have his or her name
 15 printed upon the ballots at any primary, regular election, or special election,
 16 and for or against any public question entitled to be placed upon the ballots;

17 (c)~~(3)~~ Except at a primary, permit a voter to vote for all the candidates of one
 18 (1) party or for one (1) or more candidates of every party having candidates
 19 entitled to be voted for, or for one (1) or more independent, political
 20 organization, or political group candidates;

21 (d)~~(4)~~ Permit a voter to vote for as many persons for an office as the voter is
 22 lawfully entitled to vote for, and no more;

23 (e)~~(5)~~ Prevent a voter from voting for more persons for any office than the
 24 voter is entitled to vote for, and from voting for the same person, or for or
 25 against the same question, more than once;

26 (f)~~(6)~~ Permit a voter to vote for or against any question the voter may have the
 27 right to vote on, but no other;

- 1 ~~(g)~~~~(7)~~ Provide for a nonpartisan ballot;
- 2 ~~(h)~~~~(8)~~ Be capable of being adjusted for use in a primary so that a voter may not
3 vote for any person except those seeking nomination as candidates of the
4 voter's party, as candidates for a nonpartisan office, or as candidates for an
5 office of the Court of Justice;
- 6 ~~(i)~~~~(9)~~ Permit each voter to vote for all the candidates for presidential electors
7 of any party by one (1) operation;
- 8 ~~(j)~~~~(10)~~ Permit each voter to vote, in any regular or special election, for any
9 person for whom the voter desires to vote whose name does not appear upon
10 the ballot by providing a method of write-in voting;
- 11 ~~(k)~~~~(11)~~ Be safe, efficient, and accurate in the conduct of elections, and correctly
12 register and accurately count all votes cast for each person, and for or against
13 each public question;
- 14 ~~(l)~~ 1.~~(12)~~ ~~(a)~~ Provide each voter an opportunity to verify votes recorded
15 on the permanent paper ballot, either visually or using assistive voting
16 technology, by producing a voter-verified paper audit trail;
- 17 2.~~(b)~~ Provide each voter an opportunity to change votes or correct any
18 error before the voter's ballot is cast and counted; and
- 19 3.~~(c)~~ Provide a voter who spoils his or her ballot another ballot as
20 provided under this chapter;
- 21 ~~(m)~~~~(13)~~ Use an individual, discrete, permanent, paper ballot cast by the voter for
22 tabulating purposes;
- 23 ~~(n)~~~~(14)~~ Preserve the paper ballot as an official record available for use in any
24 audit or recount;
- 25 ~~(o)~~~~(15)~~ Be suitably designed for the purpose used, constructed of a durable
26 material, and safely transportable;
- 27 ~~(p)~~~~(16)~~ Be capable of determining whether the voting equipment has been

1 unlocked and operated or adjusted in any manner after once being locked;

2 ~~(q)~~~~(17)~~ Have a public counter with a register which is visible from the outside
3 of the counter or device that will show at all times during an election how
4 many persons have voted;

5 ~~(r)~~~~(18)~~ Have a protective cumulative counter indicating the number of votes
6 cast for each person, and the votes cast for or against each public question
7 which cannot be seen, reset, or tampered with without unlocking a covering
8 device by a key or other security apparatus that cannot unlock any other part
9 of the equipment, and which prevents changes to the cumulative counter once
10 the system has been put into operation on the day of any election;

11 ~~(s)~~~~(19)~~ Provide for the tabulating of votes at the precinct as required under KRS
12 117.275;

13 ~~(t)~~~~(20)~~ Provide locks or other security apparatus by which the operation of the
14 voting equipment may be locked before the time for opening the polls and
15 after the time for closing the polls;

16 ~~(u)~~~~(21)~~ Permit a voter to readily learn the method of operating it, to
17 expeditiously cast a vote for all candidates and on all questions of the voter's
18 choice, and when operated properly, register and record correctly and
19 accurately every vote cast;

20 ~~(v)~~~~(22)~~ Bear a number or other unique designation that will distinguish it from
21 any other voting equipment or voting system;

22 ~~(w)~~~~(23)~~ Produce a real-time audit log record for the voting system, and produce
23 a paper record with a manual audit capacity which shall be available as an
24 official record for any recount conducted related to any primary or election in
25 which the system is used;

26 ~~(x)~~~~(24)~~ Be accessible for individuals with impairments, including nonvisual
27 accessibility for the blind or visually impaired, in a manner that provides the

1 same opportunity for access and participation, including privacy and
 2 independence, as for other voters;

3 ~~(y)(25)~~ Prohibit voting equipment that tabulates or aggregates votes used in
 4 official results from connecting to any network, including the internet, or
 5 communicating with any device external to the voting system;

6 **(z) Prohibit voting equipment that utilizes nonhuman readable codes, including**
 7 **but not limited to barcodes, OR codes, or other encrypted markings, to**
 8 **represent or tabulate a voter's choices;**

9 ~~(aa)(26)~~ Meet or exceed **a standard**~~[the standards]~~ for a voting system
 10 **approved**~~[established]~~ by the Election Assistance Commission~~[, as amended~~
 11 ~~from time to time,]~~ and~~[those]~~ approved under KRS 117.379; and

12 ~~(ab)(27)~~ Meet such other requirements as may be established by the State Board
 13 of Elections in administrative regulations promulgated **in accordance**
 14 **with**~~[under]~~ KRS Chapter 13A to reflect changes in technology to ensure the
 15 integrity and security of voting systems.

16 **(2) Notwithstanding the requirements of subsection (1) of this section, continued use**
 17 **of a voting system and all voting equipment that was approved for use by the State**
 18 **Board of Elections as of the effective date of this section of this Act, and was**
 19 **utilized by a county before the effective date of this section of this Act, shall be**
 20 **allowed until such time as a replacement voting system is acquired by the county.**

21 ➔Section 4. KRS 117.145 is amended to read as follows:

22 (1) At least forty-five (45) days before any special election, and at least fifty (50) days
 23 before any primary or regular election, the county clerk of each county shall cause
 24 to be printed and ready for use ballots listing each candidate who, and each question
 25 which, is entitled to be voted upon in such primary or election. The ballots shall be
 26 printed on clear white paper or other material, in black ink, in plain, clear type
 27 clearly legible to a person with normal vision, and shall include the necessary party

- 1 designations. The quality of the paper and the size of the ballots shall be established
2 by the State Board of Elections in administrative regulations promulgated *in*
3 *accordance with*~~[under]~~ KRS Chapter 13A.
- 4 (2) Each county clerk shall have printed a sufficient number of paper absentee ballots,
5 voter affirmations, and election official affirmations. The ballots shall be
6 consecutively numbered and the county board shall keep a record, by number, of all
7 absentee ballots used for any of the purposes listed in this subsection.
- 8 (3) Each county clerk shall have printed a sufficient number of federal provisional
9 ballots, which, except for the candidates listed, shall have the same form as the
10 absentee ballots. A federal provisional ballot shall indicate that the ballot is a
11 federal provisional ballot. The federal provisional ballot stubs shall be
12 consecutively numbered, and the county board of elections shall keep a record, by
13 number, of all federal provisional ballots used for votes cast by provisional voters in
14 federal elections.
- 15 (4) Each county clerk shall have printed a sufficient number of paper ballots to be used
16 for voting for any primary or election. The methods of securing the integrity of the
17 ballots from the time of certification of each candidate and each question to be
18 voted upon in any primary or election until the conclusion of the primary or
19 election, and the method of tracking all voted, unvoted, or spoiled ballots shall be
20 established by the State Board of Elections in administrative regulations
21 promulgated *in accordance with*~~[under]~~ KRS Chapter 13A.
- 22 (5) *On the day before any in-person voting shall occur*~~[No later than the Friday~~
23 ~~preceding a special or regular election]~~, the county clerk shall equip the voting
24 equipment with the necessary supplies for the purpose of write-in votes. The county
25 clerk shall also provide a pencil, pen, or ballot marking device for the voting
26 equipment for write-in purposes.
- 27 (6) If supplemental paper ballots have been approved as provided in KRS 118.215, the

1 county clerk shall cause to be printed a sufficient number of supplemental paper
2 ballots for the registered voters of each precinct. The supplemental paper ballots
3 shall have stubs which are numbered consecutively.

4 ➔Section 5. KRS 117.265 is amended to read as follows:

5 (1) A voter may, at any regular or special election, cast a write-in vote for any person
6 qualified as provided in subsection (2) or (3) of this section~~[,]~~ whose name does not
7 appear upon the ballot for any office~~[,]~~ by writing the name of his or her choice
8 upon the appropriate ballot for the office being voted on as required by KRS
9 117.125. Any candidate who is defeated or disqualified in a partisan or nonpartisan
10 primary shall be ineligible as a candidate for the same office in the regular election,
11 unless there is a vacancy pursuant to KRS 118.105(3). Any voter utilizing a federal
12 provisional ballot, a federal provisional in-person absentee ballot, or a mail-in
13 absentee ballot for a regular or special election may write in a vote for any eligible
14 person whose name does not appear upon the ballot~~[,]~~ by writing the name of his or
15 her choice under the office.

16 (2) Write-in votes shall be counted only for candidates for election to office who have
17 filed a declaration of intent to be a write-in candidate with the Secretary of State or
18 county clerk, depending on the office being sought, on or before the certification
19 deadlines established in KRS 118.215(1)(a) to (c) and 118A.090(2) and not later
20 than the second Friday before the date of a special election. In the case of a special
21 election administered under KRS 118.730, a declaration of intent to be a write-in
22 candidate shall be filed at least twenty-eight (28) days before the day of the
23 election. The declaration of intent shall be filed no earlier than the first Wednesday
24 after the first Monday in November of the year preceding the year the office will
25 appear on the ballot, and no later than 4 p.m. local time at the place of filing when
26 filed on the last date on which papers may be filed. The declaration of intent shall
27 be on a form prescribed and furnished by the Secretary of State.

- 1 (3) A person shall not be eligible as a write-in candidate:
- 2 (a) For more than one (1) office in a regular or special election; or
- 3 (b) If his or her name appears upon the ballot for any office, except that the
- 4 candidate may file a notice of withdrawal prior to filing an intent to be a
- 5 write-in candidate for office when a vacancy in a different office occurs
- 6 because of:
- 7 1. Death;
- 8 2. Disqualification to hold the office sought;
- 9 3. Severe disabling condition which arose after the nomination; or
- 10 4. The nomination of an unopposed candidate.
- 11 (4) Persons who wish to run for President and Vice President shall file a declaration of
- 12 intent to be a write-in candidate, along with a list of presidential electors pledged to
- 13 those candidates, with the Secretary of State on or before the *certification deadlines*
- 14 *established in KRS 118.215(1)(a) to (c) and 118A.090(2)*~~[fourth Friday in October~~
- 15 ~~preceding the date of the regular election for those offices]~~. The declaration of
- 16 intent shall be filed no earlier than the first Wednesday after the first Monday in
- 17 November of the year preceding the year the office will appear on the ballot, and no
- 18 later than 4 p.m. local time at the place of filing when filed on the last date on
- 19 which papers may be filed. Write-in votes cast for the candidates whose names
- 20 appear on the ballot shall apply to the slate of pledged presidential electors, whose
- 21 names shall not appear on the ballot.
- 22 (5) The county clerk shall provide to the precinct election officers certified lists of
- 23 those persons who have filed declarations of intent as provided in subsections (2)
- 24 and (3) of this section. These lists shall not be posted anywhere, but a voter may
- 25 request to see a copy of the list. Once the voter has reviewed the copy, it shall
- 26 immediately be returned to the precinct election officer. Only write-in votes cast for
- 27 qualified candidates shall be counted.

1 (6) Two (2) election officers of opposing parties shall upon the request of any voter
2 instruct the voter on how to cast a write-in vote.

3 ➔Section 6. KRS 117.275 is amended to read as follows:

4 (1) At the count of the votes in any precinct, any candidate or slate of candidates and
5 any representatives to witness and check the count of the votes therein, who are
6 authorized to be appointed as is provided in subsection (8) of this section, shall be
7 admitted and permitted to be present and witness the count.

8 (2) As soon as the polls are closed~~[,]~~ and the last voter has voted, the judges at that time
9 shall immediately lock and seal the voting equipment so that the voting and
10 counting mechanisms will be prevented from operating, and they shall sign a
11 certificate stating:

12 (a) That the voting equipment has been locked against voting and sealed;

13 (b) The number of voters, as shown on the public counters;

14 (c) The number registered on the protective or cumulative counter or device; and

15 (d) The number or other designation of the voting equipment.

16 The certificate, with any additional certificate previously prepared under KRS
17 117.035, shall be returned by the judges of election to the officials authorized by
18 law to receive it. The judges shall compare the number of voters, as shown by the
19 counter of the voting equipment, with the number of those who have voted as
20 shown by the protective or cumulative counter or device.

21 (3) Where voting equipment is used that prints the candidates' names along with the
22 total votes received on a return sheet or record for that equipment, the precinct
23 election officers shall sign the return sheets or record for the voting equipment,
24 which shall be posted on the door of the precinct.

25 (4) If any officer shall decline to sign the return sheets, he or she shall state the reason
26 in writing, and a copy thereof, signed by the officer, shall be enclosed with the
27 return sheets.

- 1 (5) Each of the return sheets, if applicable, and the record of the voting equipment shall
2 be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1)
3 copy of the record of the voting equipment, and the write-in roll, if any write-in
4 votes were cast in the precinct, shall be directed to the county board of elections of
5 the county in which the election is being held. One (1) copy of the return sheets or
6 record of the voting equipment shall be given to the county clerk of the county in
7 which the election is being held and to each of the local governing bodies of the two
8 (2) dominant political parties, but a local governing body of a dominant political
9 party may decline a copy of the precinct election return by filing a written
10 declination with the county board of elections prior to the election, and upon this
11 declination, a printed copy shall not be issued to the political party so declining.
12 The declination on file shall be effective for that election and any subsequent
13 elections until revoked by the local governing body of a dominant political party by
14 filing a written revocation with the county board of elections. The envelope shall
15 have endorsed thereon a certificate of the election officers, stating the number or
16 unique designation of the voting equipment, the precinct where it has been used, the
17 number on the seal, and the number on the protective or cumulative counter or
18 device at the close of the polls.
- 19 (6) During the period established by KRS 117.355(2)~~(3)~~, and following the tabulation
20 of all votes cast in the election, including absentee votes and write-in votes:
- 21 (a) The county board of elections shall mail, transmit via facsimile machine,
22 hand-deliver, or submit by electronic means a copy of the precinct-by-precinct
23 summary of the tabulation sheets showing the results from each precinct to the
24 State Board of Elections. The copy of the precinct-by-precinct summary of the
25 tabulation sheets showing the results from each precinct shall include the
26 votes cast on the day of an election and during absentee voting; and
- 27 (b) The county clerk shall mail or deliver the precinct signature rosters from each

1 precinct and the in-person absentee ballot signature roster to the State Board
2 of Elections.

3 (7) For each voting location, as soon as possible after the completion of the count, the
4 two (2) election officers who are not of the same political affiliation shall return to
5 the county board of elections the keys to the voting equipment received and
6 receipted for by them, and the county clerk, in each voting location, shall have the
7 voting equipment properly boxed or securely covered and removed to a proper and
8 secure place of storage.

9 (8) In primaries, each candidate or group of candidates may designate to the county
10 board of elections a representative to witness and check the vote count. In regular
11 elections, the governing authority of each political party, each candidate for
12 member of board of education, nonpartisan candidate, political group candidate,
13 political organization candidate, independent candidate, or independent ticket may
14 designate a representative to the county board of elections to witness and check the
15 vote count. The county board of elections shall authorize representatives of the
16 news media to witness the vote count.

17 (9) For all federal provisional ballots, if applicable, and supplemental paper ballots if
18 approved as provided in KRS 118.215, after the polls are closed, the two (2) judges
19 shall return to the county clerk's office the locked federal provisional ballot
20 receptacle and the supplemental paper ballot box, all ballot stubs, spoiled ballots,
21 and unvoted ballots at the same time as the tabulation of votes from the voting
22 equipment is delivered. The county clerk shall issue a receipt for the number of
23 ballot stubs, unvoted ballots, spoiled ballots, and the ballot boxes or ballot
24 receptacle.

25 (10) The county board of elections, or its designee, shall count and tally the
26 supplemental paper ballots that have not been tabulated by automatic tabulating
27 equipment at the precinct, either manually or with the use of tabulating equipment

1 that has been certified by the State Board of Elections for use for that purpose in the
2 county clerk's office. The results of the vote tally shall be certified by the county
3 board of elections to the county clerk and to the Secretary of State.

4 (11) The county board of elections shall tabulate the valid federal provisional ballots.
5 The results of the vote tally shall be certified by the county board of elections to the
6 county clerk and to the Secretary of State. The county board of elections shall mail
7 a copy of the precinct-by-precinct summary of the valid federal provisional ballot
8 tabulation sheets showing the results from each precinct to the State Board of
9 Elections.

10 (12) The county board of elections shall authorize the candidates, slates of candidates, or
11 their representatives, and representatives of the news media to be present during the
12 counting of the supplemental and federal provisional paper ballots.

13 (13) No person shall transmit or publicize any tallies or counts of ballots, or any partial
14 results, to any person except those persons, election officials, or entities authorized
15 by law to receive it, until 6 p.m. prevailing time on the day of a primary or an
16 election.

17 (14) (a) Unofficial election results transmitted online to the county board of elections
18 or the State Board of Elections shall occur by means of a secure online
19 connection after results are tallied on the tally computer that has been certified
20 in accordance with KRS 117.379 as part of a voting system as defined in KRS
21 117.001.

22 (b) If an external device is used to upload election results for the subsequent
23 transmission, the device shall be used for that primary or election only and be
24 of a type approved by the State Board of Elections as part of a voting system
25 under KRS 117.379. The upload of the election results shall occur in the
26 presence of two (2) members of the county board of elections who are of a
27 different political affiliation.

1 (15) Except as otherwise required in this chapter, all records and papers relating to
2 specified elections shall be retained for twenty-two (22) months, and the county
3 clerk shall retain the voted federal provisional ballots, voter affirmations, election
4 official affirmations, and the supplemental paper ballots for twenty-two (22)
5 months and the unvoted federal provisional ballots, the voter affirmations, election
6 official affirmations, and the supplemental paper ballots for sixty (60) days after
7 each election day, after which time they shall be destroyed in a manner to render
8 them unreadable by the county board of elections if no contest or recount action has
9 been filed.

10 ➔Section 7. KRS 117.355 is amended to read as follows:

11 (1) Within three (3) days after any primary or general election, the precinct election
12 sheriff shall file a report with the chair of the county board of elections and with the
13 local grand jury. The report shall include any irregularities observed and any
14 recommendations for improving the election process.

15 (2) Within ten (10) days after any primary or general election, the county board of
16 elections **shall transmit the information required by subsection (6) of Section 6 of**
17 **this Act and** shall file a report with the State Board of Elections and the local grand
18 jury. The report shall include any irregularities of which the county board has
19 knowledge and any recommendations for improving the election process. The
20 report shall also include a breakdown by precinct of the number of voters requiring
21 assistance to vote and the reasons therefor; the number of special ballots cast by
22 category; and any other information required by the state board.

23 ~~(3) [Within thirty (30) days after any primary or general election, the county board of~~
24 ~~elections shall transmit the information required by KRS 117.275(3) to (6).]~~

25 ~~(4) [The State Board of Elections shall issue administrative regulations under KRS~~
26 ~~Chapter 13A to prescribe the forms required by this section.]~~

27 ➔Section 8. KRS 117.379 is amended to read as follows:

- 1 (1) (a) Any person or corporation owning, manufacturing, or selling any voting
2 system or e-poll book product~~[,]~~ may request the State Board of Elections to
3 examine the voting system or e-poll book product. Before requesting an
4 examination or reexamination, any person, persons, or corporation shall pay
5 to the State Treasurer a nonrefundable deposit of five hundred dollars (\$500)
6 and submit a test report from an independent testing authority approved by the
7 State Board of Elections.
- 8 (b) If the report concerns a voting system, the report shall demonstrate that the
9 voting system meets a previously established~~[all]~~ Election Assistance
10 Commission standard~~[standards]~~. Notwithstanding any other provision of law
11 to the contrary, if an~~[these]~~ Election Assistance Commission standard
12 has~~[standards have]~~ been amended less than thirty-six (36) months prior to
13 the request for examination under this subsection, the State Board of Elections
14 may approve and certify a voting system that meets the prior
15 standard~~[standards]~~ after determining:
- 16 1. The effect that such approval would have on the integrity and security of
17 elections; and
 - 18 2. The procedure and cost involved to bring the voting system into
19 compliance with the amended standard~~[standards]~~.
- 20 (c) The State Board of Elections may, at any time, reexamine any voting system
21 or e-poll book product already approved. The State Board of Elections shall
22 approve or disapprove any voting system or e-poll book product within sixty
23 (60) days after the date of its initial submission. Any or all costs associated
24 with the voting system or e-poll book product being examined or reexamined
25 shall be paid to the State Treasurer by the person or corporation once the
26 approval or disapproval is complete.
- 27 (2) (a) Upon receipt of a request for examination or reexamination of a voting system

1 or e-poll book product, the State Board of Elections shall require that
2 ~~the~~^{such} voting system or e-poll book product be examined or reexamined by
3 three (3) examiners. The State Board of Elections shall appoint one (1)
4 examiner who is an expert in computer science, voting systems, or e-poll book
5 products, whichever is applicable; one (1) person who is knowledgeable in
6 election procedures, election security, and election law in Kentucky; and one
7 (1) person who is a present or former county clerk. The three (3) examiners
8 shall submit one (1) written report on each voting system or e-poll book
9 product, examined or reexamined, to the State Board of Elections. The
10 members of the State Board of Elections shall also examine or reexamine the
11 voting system or e-poll book product.

12 (b) A voting system shall be approved and certified if the examiners' report states
13 that the voting system meets all the requirements of KRS 117.125 and
14 applicable federal law, and the State Board of Elections finds that the voting
15 system meets all of the requirements of KRS 117.125 and applicable federal
16 law.

17 (c) Beginning September 1, 2022, an e-poll book product shall be approved and
18 certified if the examiners' report and the State Board of Elections find that the
19 e-poll book product meets the certification requirements promulgated by the
20 State Board of Elections in accordance with~~in accordance with~~ KRS Chapter 13A
21 and applicable federal law.

22 (d) Each report and letter of approval pertaining to a voting system or an e-poll
23 book product shall be filed in the office of the State Board of Elections.

24 (3) Any voting system or e-poll book product not approved by the State Board of
25 Elections shall not be used at any primary, regular election, or special election.

26 (4) When a voting system or e-poll book product has been approved, any improvement
27 or changes in the voting system or e-poll book product shall render necessary the

1 examination or approval of such voting system or improvement.

2 (5) Neither the members of the State Board of Elections, nor any examiner appointed
3 by the State Board of Elections, nor any member of a county board of elections
4 shall have any pecuniary interest in any voting system or e-poll book product.

5 (6) Each examiner appointed by the State Board of Elections shall receive fair
6 compensation to be established by the State Board of Elections[-

7 ~~(7) An e-poll book product approved under this section shall not be used in any
8 primary, regular election, or special election held before May 11, 2023].~~

9 ➔Section 9. KRS 117.389 is amended to read as follows:

10 On any day after ballots have been certified by the Secretary of State as provided in KRS
11 118.215, ~~and~~ petitions to allow consolidation of precincts have been approved by the
12 State Board of Elections as provided in KRS 117.066, **and any petitions authorized by**
13 **KRS 242.030(4) are filed**, but not less than five (5) days prior to the election day, the
14 county clerk shall have the automatic tabulating equipment tested in the manner
15 prescribed by the State Board of Elections.

16 ➔Section 10. KRS 118.015 is amended to read as follows:

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

18 (1) ~~[A]~~"Political party" **means** ~~[is]~~ an affiliation or organization of electors representing
19 a political policy and having a constituted authority for its government and
20 regulation, and whose candidate received at least **ten percent (10%)** ~~[twenty percent~~
21 ~~(20%)]~~ of the total vote cast at the last preceding election at which presidential
22 electors were voted for;

23 (2) ~~[The word]~~"Election," used in reference to a state, district, county, or city election,
24 includes the decisions of questions submitted to the qualified voters as well as the
25 choice of officers by them;

26 (3) ~~[A]~~"Ballot" or "official ballot" means the official presentation of offices and
27 candidates to be voted for, including write-in candidates, and all public questions

1 submitted for determination, and shall include a voting machine ballot, a paper
2 ballot, an absentee ballot, a federal provisional ballot, a federal provisional absentee
3 ballot, or a supplemental paper ballot which has been authorized for the use of the
4 voters in any primary, regular election, or special election by the Secretary of State
5 or the county clerk;

6 (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or
7 otherwise rendered tamper-resistant, for receiving ballots;

8 (5) "Election officer" means any person tasked with election administration within this
9 state, as context dictates the defined role, including but not limited to the Secretary
10 of State and his or her employees, members of the State Board of Elections and
11 staff, members of the county boards of election and staff, precinct election officers,
12 election officials, and poll workers;

13 (6) "Voting equipment" means any physical component of a voting system and
14 includes voting machines where voting machines are in operation;

15 (7) "Voting machine" or "machine" means a part of a voting system that consists of:

16 (a) A direct recording electronic voting machine that:

17 1. Records votes by means of a ballot display provided with mechanical or
18 electro-operated components that may be actuated by the voter;

19 2. Processes the data by means of a computer program;

20 3. Records voting data and ballot images in internal and external memory
21 components; and

22 4. Produces a tabulation of the voting data stored in a removable memory
23 component and on a printed copy; or

24 (b) One (1) or more electronic devices that operate independently or as a
25 combination of a ballot marking device and an electronic or automatic vote
26 tabulating device;

27 (8) "Voting system" means:

- 1 (a) The total combination of physical, mechanical, electromechanical, or
2 electronic equipment, including the software, hardware, firmware, and
3 documentation required to program, control, and support that equipment, that
4 is used to:
- 5 1. Define ballots;
 - 6 2. Cast and count votes;
 - 7 3. Report or display election results; and
 - 8 4. Maintain and produce any audit trail information; and
- 9 (b) The practices and associated documentation used to:
- 10 1. Identify system components and versions of those components;
 - 11 2. Test the system during its development and maintenance;
 - 12 3. Maintain records of system errors and defects;
 - 13 4. Determine specific system changes to be made to a system after the
14 initial qualification of the system; and
 - 15 5. Make available any materials to the voter, such as notices, instructions,
16 forms, or paper ballots;
- 17 (9) ~~The word~~ "Resident," used in reference to a candidate in a state, district, county,
18 or city election means ~~shall mean~~ actual resident, without regard to the residence
19 of the spouse of the candidate;
- 20 (10) "Political organization" means a political group not constituting a political party
21 within the meaning of subsection (1) of this section but whose candidate received
22 two percent (2%) or more of the vote of the state at the last preceding election for
23 presidential electors; and
- 24 (11) "Political group" means a political group not constituting a political party or a
25 political organization within the meaning of subsections (1) and (10) of this section.
- 26 ➔Section 11. KRS 118.125 is amended to read as follows:
- 27 (1) Except as provided in KRS 118.155, any person who is qualified under the

1 provisions of KRS 116.055 to vote in any primary for the candidates for nomination
2 by the party at whose hands he or she seeks the nomination, shall have his or her
3 name printed on the official ballot of his or her party for an office to which he or
4 she is eligible in that primary, upon filing, with the Secretary of State or county
5 clerk, as appropriate, at the proper time, a notification and declaration.

6 (2) The notification and declaration shall be in the form prescribed by the Secretary of
7 State~~[State Board of Elections]~~. It shall be signed by the candidate and by not less
8 than two (2) registered voters~~[,]~~ who, at the time of signing, are of the same party as
9 the candidate and from the district or jurisdiction from which the candidate seeks
10 nomination. Signatures for nomination papers shall not be affixed on the document
11 to be filed prior to the first Wednesday after the first Monday in November of the
12 year preceding the year in which the office will appear on the ballot. The
13 notification and declaration for a candidate shall include the following oath:

14 "For the purpose of having my name placed on the official primary election
15 ballot as a candidate for nomination by the ----- Party, I, ----- (name in full as
16 desired on the ballot as provided in KRS 118.129), do solemnly swear that my date
17 of birth is ----- (month/day/year), that my residence address is ----- (street, route,
18 highway, city if applicable, county, state, and zip code), that my mailing address, if
19 different, is ----- (post office address), and that I am a registered ----- (party) voter;
20 that I believe in the principles of the ----- Party, and intend to support its principles
21 and policies; that I meet all the statutory and constitutional qualifications for the
22 office which I am seeking; that if nominated as a candidate of such party at the
23 ensuing election I will accept the nomination and not withdraw for reasons other
24 than those stated in KRS 118.105(3); that I will not knowingly violate any election
25 law or any law relating to corrupt and fraudulent practice in campaigns or elections
26 in this state, and if finally elected I will qualify for the office."

27 The declaration shall be subscribed and sworn to before an officer authorized to

1 administer an oath by the candidate and by the two (2) voters making the
2 declaration and signing the candidate's petition for office.

3 (3) When the notice and declaration has been filed with the Secretary of State or county
4 clerk, as appropriate, and certified according to KRS 118.165, the Secretary of State
5 or county clerk, as appropriate, shall have the candidate's name printed on the ballot
6 according to the provisions of this chapter, except as provided in KRS 118.185.

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

10 ➔Section 12. KRS 118.129 is amended to read as follows:

11 (1) The Secretary of State or the county clerk, as appropriate, shall certify the exact
12 spelling and form of the name of the candidate to be printed on all ballots in
13 accordance with the requirements listed in this section.

14 (2) A candidate's nickname which is found to be, in the discretion of the Secretary of
15 State or the county clerk, as appropriate, a title, rank, degree, job description, or
16 spurious phrase shall be placed on the ballot only if it is the candidate's bona fide
17 nickname, generally used by acquaintances of the candidate in the county of
18 residence to refer to the candidate, and if the nickname is acknowledged, by
19 affidavit, under oath, by five (5) residents of the county in which the candidate
20 resides, to be a bona fide nickname. The candidate shall also acknowledge, by
21 affidavit under oath, that this is his or her bona fide nickname and is not being used
22 to gain an advantage on the ballot.

23 (3) A nickname shall always appear set off in quotation marks and immediately before
24 the last name. Periods shall follow all abbreviations or initials. Additional qualifiers
25 following the last name, such as "Jr" or "III" shall not be separated from the last
26 name by a comma and shall be followed by a period.

27 (4) The candidate's name shall always appear in the following form: first or given

1 name, contraction of given name, or initial; middle name or names or initials, if
 2 desired by the candidate; nickname if desired by the candidate; and last or surname
 3 in full. All names shall be in substantially the following form: John Lincoln "Jack"
 4 Doe; or J. Lincoln "Jack" Doe; or J. L. "Jack" Doe Jr.; or any of the above
 5 combinations without the intervening nickname.

- 6 (5) The total number of spaces, inclusive of letters, spaces, and punctuation, which may
 7 be utilized on the ballot for a candidate's name and, if any, nickname, shall be
 8 twenty-five (25). Notwithstanding the listing of the candidate's name on the filing
 9 papers, spaces, periods, quotation marks, and commas necessary for proper
 10 punctuation shall be added by the Secretary of State or the county clerk, as
 11 appropriate. No candidate's name shall exceed twenty-five (25) spaces. The
 12 Secretary of State or the county clerk, as appropriate, shall determine the correct
 13 listing for any candidate whose name exceeds twenty-five (25) spaces to conform to
 14 this requirement.

15 ➔Section 13. KRS 118.165 is amended to read as follows:

- 16 (1) Except as provided in KRS Chapters 116 to 121, candidates for offices to be voted
 17 for by the electors of one (1) county or of a district less than one (1) county, except
 18 candidates for members of Congress, ~~and~~ members of the General Assembly, and
 19 Commonwealth's attorneys, shall file their nomination papers with the county clerk
 20 of the county not earlier than the first Wednesday after the first Monday in
 21 November of the year preceding the year the office will appear on the ballot and not
 22 later than the first Friday following the first Monday in January preceding the day
 23 fixed by law for holding the primary. All nomination papers shall be filed no later
 24 than 4 p.m. local time at the place of filing when filed on the last date on which the
 25 papers may be filed.
- 26 (2) Candidates for offices to be voted for by the electors of more than one (1) county,
 27 including candidates ~~and~~ for members of Congress, ~~and~~ members of the General

1 Assembly, and Commonwealth's attorneys, shall file their nomination papers with
2 the Secretary of State not earlier than the first Wednesday after the first Monday in
3 November of the year preceding the year the office will appear on the ballot and not
4 later than the first Friday following the first Monday in January preceding the day
5 fixed by law for holding the primary. Signatures for nomination papers shall not be
6 affixed on the document to be filed prior to the first Wednesday after the first
7 Monday in November of the year preceding the year in which the office will appear
8 on the ballot. All nomination papers shall be filed no later than 4 p.m. local time at
9 the place of filing when filed on the last date on which the papers may be filed.

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

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

18 ➔Section 14. KRS 118.315 is amended to read as follows:

19 (1) A candidate for any office to be voted for at any regular election may be nominated
20 by a petition of electors qualified to vote for him or her, complying with the
21 provisions of subsection (2) of this section. No person whose registration status is
22 as a registered member of a political party shall be eligible to election as an
23 independent, or political organization, or political group candidate, nor shall any
24 person be eligible to election as an independent, or political organization, or
25 political group candidate whose registration status was as a registered member of a
26 political party on January 1 immediately preceding the regular election for which
27 the person seeks to be a candidate. This restriction shall not apply to candidates to

1 those offices specified in KRS 118.105(6), for supervisor of a soil and water
2 conservation district, for candidates for mayor or legislative body in cities of the
3 home rule class, or to candidates participating in nonpartisan elections.

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

1 address of residence shall result in the signature not being counted. A petitioner for
2 the nomination of a candidate may be counted for every petition to which his or her
3 signature is affixed.

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

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

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

15 ➔Section 15. KRS 118.367 is amended to read as follows:

16 (1) An independent, or political organization, or political group candidate required to
17 file nomination papers pursuant to KRS 118.365(5) shall be required to file a
18 statement-of-candidacy form with the same office at which nomination papers are
19 filed. Candidates for federal office, ~~and~~ candidates for mayor or legislative body
20 in cities of the home rule class participating in partisan elections, **and candidates**
21 **for a special election or election for an unexpired term** shall not be required to file
22 a statement-of-candidacy form. The statement-of-candidacy form shall be filed not
23 earlier than the first Wednesday after the first Monday in November of the year
24 preceding the year in which the office will appear on the ballot and not later than
25 April 1 preceding the day fixed by law for holding of regular elections for the
26 offices sought. If the office in which the statement-of-candidacy form is to be filed
27 is closed on April 1, the form may be filed on the next business day. The statement-

1 of-candidacy form shall be filed no later than 4 p.m. local time when filed on the
2 last day on which papers are permitted to be filed. No person shall file a statement-
3 of-candidacy form for more than one (1) public office during an election cycle.

4 (2) The statement-of-candidacy form shall be prescribed by the Secretary of State~~[State~~
5 ~~Board of Elections]~~. The statement-of-candidacy form shall be signed by the
6 candidate upon filing. No charge shall be assessed for the filing of a statement-of-
7 candidacy form. The Secretary of State and county clerks shall examine the
8 statement-of-candidacy form of each candidate who files the form to determine if
9 there is an error. If an error has occurred, the candidate shall be notified by certified
10 mail within twenty-four (24) hours.

11 ➔Section 16. KRS 118A.060 is amended to read as follows:

12 (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot,
13 including an absentee ballot, for an office of the Court of Justice without first
14 having been nominated as provided in this section.

15 (2) Each candidate for nomination shall file a petition for nomination with the
16 Secretary of State not earlier than the first Wednesday after the first Monday in
17 November of the year preceding the year in which the office will appear on the
18 ballot and not later than the first Friday following the first Monday in January
19 preceding the day fixed by law for holding the primary for the office. The petition
20 shall be sworn to before an officer authorized to administer an oath by the candidate
21 and by not less than two (2) registered voters from the district or circuit from which
22 he or she seeks nomination. Signatures for nomination papers shall not be affixed
23 on the document to be filed prior to the first Wednesday after the first Monday in
24 November of the year preceding the year in which the office will appear on the
25 ballot. The petition shall be filed no later than 4 p.m. local time at the place of filing
26 when filed on the last date on which the papers are permitted to be filed.

27 (3) (a) The petition for nomination shall be in the form prescribed by the Secretary

1 of State~~[State Board of Elections]~~. The petition shall include a declaration
2 sworn to by the candidate, that he or she possesses all the constitutional and
3 statutory requirements of the office for which the candidate has filed. Titles,
4 ranks, or spurious phrases shall not be accepted on the petition and shall not
5 be printed on the ballots as part of the candidate's name; however, nicknames,
6 initials, and contractions of given names may be acceptable as the candidate's
7 name.

8 (b) The Secretary of State shall certify the exact spelling and form of the name of
9 the candidate to be printed on all ballots in accordance with the requirements
10 listed in KRS 118.129.

11 (4) The Secretary of State shall examine the petition of each candidate to determine
12 whether it is regular on its face. If there is an error, the Secretary of State shall
13 notify the candidate by certified mail within twenty-four (24) hours of filing. The
14 order of names on the ballot for each district or circuit, and numbered division if
15 divisions exist, shall be determined by lot at a public drawing to be held in the
16 office of the Secretary of State at 2 p.m., standard time, on the Thursday following
17 the filing deadline for the primary as established in this section and in KRS
18 83A.045 and 118.165.

19 (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary, and
20 after the order of names on the ballot has been determined as required in subsection
21 (4) of this section, the Secretary of State shall:

22 (a) Certify to the county clerks of the respective counties entitled to participate in
23 the election of the various candidates, the name and place of residence of each
24 candidate for each office, by district or circuit, and numbered division if
25 divisions exist, as specified in the petitions for nomination filed with him or
26 her; and

27 (b) Designate for the county clerks the office of the Court of Justice with which

1 the names of candidates shall be printed and the order in which they are to
2 appear on the ballot.

3 (6) The ballot position of a candidate shall not be changed after the ballot position has
4 been designated by the Secretary of State.

5 (7) The county clerks of each county shall cause to be printed on the ballots for the
6 primary the names of the candidates for offices in the Court of Justice.

7 (8) The names of the candidates shall be placed on the ballots in a separate column or
8 columns or in a separate line or lines and identified by the words "Judicial Ballot."
9 The words "Vote for one," or "Vote for one in each division," shall be printed on
10 the ballot in an appropriate location. The office, numbered division if divisions
11 exist, and the candidates shall be clearly labeled. No party designation or emblem
12 of any kind, nor any sign indicating any candidate's political belief or party
13 affiliation, shall be used on the ballots.

14 (9) The two (2) candidates receiving the highest number of votes for nomination for
15 justice or judge of a district or circuit, or numbered division if divisions exist, shall
16 be nominated. Certificates of nomination shall be issued as provided in KRS
17 118A.190.

18 (10) If it appears after expiration of the time for filing petitions for nomination that there
19 are not more than two (2) candidates who have filed the necessary petitions for a
20 place on the ballot in the regular election, no drawing for ballot position shall be
21 held and the Secretary of State shall immediately issue and file in the Secretary's
22 office certificates of nomination, and send copies to the candidates.

23 ➔Section 17. KRS 119.015 is amended to read as follows:

24 Any county clerk or deputy county clerk who ~~falsely or~~ fraudulently registers the name
25 of any person, or permits any person to register knowing that the person is not entitled to
26 register, or who fails or refuses to deliver copies of the registration records to a person
27 entitled thereto, shall be guilty of a Class D felony.

1 ➔Section 18. KRS 119.165 is amended to read as follows:

- 2 (1) Any person who falsely personates a registered voter, and receives and casts a
3 ballot by means of such personation, shall be guilty of a Class D felony. An attempt
4 at such personation shall constitute a Class A misdemeanor.
- 5 (2) Any person who, by means other than falsely personating a registered voter, votes
6 at an election in this state when he or she is a resident of another state or country, or
7 votes more than once at an election, or votes by use of the naturalization papers of
8 another person, shall be guilty of a Class D felony. Any person who knowingly
9 votes or attempts to vote in a precinct other than the one in which he or she resides
10 shall be guilty of a Class A misdemeanor, unless by voting in a precinct in which he
11 or she does not live he is enabled to vote in a race or on a matter in which he or she
12 could not vote in his or her proper precinct in which case he or she shall be guilty
13 of a Class D felony. Any person who lends or hires his, hers, or another's
14 naturalization papers to be used for the purpose of voting shall be subject to the
15 same penalty.
- 16 (3) Any person who has been convicted of a felony offense and has not previously been
17 restored to their voting rights who then knowingly votes or attempts to vote shall be
18 guilty of a Class D felony.
- 19 (4) Any resident of this state who, by means other than falsely personating a registered
20 voter, votes~~[at a regular or special election before he has resided in this state thirty~~
21 ~~(30) days, or in the county and precinct where the election is held the time required~~
22 ~~by law, or before he has attained full age, or]~~ before he or she has become a citizen,
23 shall be guilty of a Class B misdemeanor.
- 24 (5) Any person who, by means other than falsely personating a registered voter, votes
25 in a primary election knowing that he or she is not qualified as provided in KRS
26 116.055, shall be guilty of a violation.
- 27 (6) Any person who applies for or receives a ballot at any voting place other than the

1 one at which he or she is entitled to vote, under circumstances not constituting a
2 violation of any of the provisions of subsections (1) to (3) of this section, shall be
3 guilty of a Class A misdemeanor.

4 ➔Section 19. KRS 132.017 is amended to read as follows:

5 (1) As used in this section:

6 (a) "Local governmental entity" includes a county fiscal court and legislative
7 body of a city, urban-county government, consolidated local government,
8 charter county government, unified local government, or other taxing district;
9 and

10 (b) "Next regular election" means the regular election that occurs immediately
11 after all statutory requirements for levying a property tax rate have been met,
12 regardless of whether the election occurs in the same or a subsequent calendar
13 year as the levy of the property tax rate.

14 (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, the portion of a
15 tax rate levied by an ordinance, order, resolution, or motion of a local
16 governmental entity or district board of education subject to recall as
17 provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go
18 into effect forty-five (45) days after its passage.

19 2. When a tax rate is levied by a district board of education or other taxing
20 district that is primarily located in a county containing an urban-county
21 government or a consolidated local government, the portion of a tax rate
22 levied by an ordinance, order, resolution, or motion of a district board of
23 education or other taxing district subject to recall as provided for in KRS
24 68.245, 132.023, 132.027, and 160.470, shall go into effect fifty (50)
25 days after its passage.

26 (b) During the same forty-five (45) day or fifty (50) day time period provided by
27 paragraph (a) of this subsection, any three (3) qualified voters, who reside in

1 the area where the tax levy will be imposed, may commence petition
2 proceedings to protest the passage of the ordinance, order, resolution, or
3 motion by filing an affidavit with the county clerk. The affidavit shall state:

- 4 1. The three (3) qualified voters constitute the members of the petition
5 committee;
- 6 2. The petition committee will be responsible for circulating the petition;
- 7 3. The petition committee will file the petition in the proper form within
8 the same forty-five (45) day or fifty (50) day time period provided by
9 paragraph (a) of this subsection;
- 10 4. The names and addresses of the petition committee members;
- 11 5. The address to which all notices to the committee are to be sent; and
- 12 6. For petition committees filing petitions in response to a tax rate levied
13 by a district board of education or other taxing district that is primarily
14 located in a county containing an urban-county government or a
15 consolidated local government, whether or not the petition committee is
16 willing to incur all of the expenses associated with electronic petition
17 signatures. If the petition committee is not willing to incur all of the
18 expenses, then electronic petition signatures shall not be allowed for the
19 petition.

20 (c) Upon receipt of the affidavit, the county clerk shall immediately:

- 21 1. Notify the petition committee of all statutory requirements for the filing
22 of a valid petition under this section;
- 23 2. Notify the petition committee that the clerk will publish a notice
24 identifying the tax levy being challenged and providing the names and
25 addresses of the petition committee in a newspaper of general
26 circulation within the county, if:
 - 27 a. There is a newspaper within the county in which to publish the

1 notice; and

2 b. The petition committee remits an amount equal to the cost of
3 publishing the notice determined in accordance with the provisions
4 of KRS 424.160 at the time of the filing of the affidavit.

5 If the petition committee elects to have the notice published, the clerk
6 shall publish the notice within five (5) days of receipt of the affidavit;
7 and

8 3. Deliver a copy of the affidavit to the appropriate local governmental
9 entity or district board of education.

10 (d) The petition shall meet the following requirements:

11 1. All papers of the petition shall be substantially uniform in size and style
12 and shall be assembled in one (1) instrument for filing;

13 2. Each sheet of the petition may contain the names of voters from more
14 than one (1) voting precinct;

15 3. Each nonelectronic petition signature shall be executed in ink or
16 indelible pencil;

17 4. Each electronic petition signature shall comply with the requirements of
18 the Uniform Electronic Transactions Act, KRS 369.101 to 369.120;

19 5. Each petition signature shall be followed by the printed name, street
20 address, birth month, and birth year of the person signing; and

21 6. a. i. Except for petitions filed in response to a tax rate levied by a
22 district board of education, the petition shall be signed by a
23 number of registered and qualified voters residing in the
24 affected jurisdiction equal to at least ten percent (10%) of the
25 total number of votes cast in the last preceding presidential
26 election.

27 ii. For petitions filed in response to a tax rate levied by a district

1 board of education, the petition shall be signed by at least
2 five thousand (5,000) registered and qualified voters residing
3 in the affected jurisdiction or signed by a number of
4 registered and qualified voters residing in the affected
5 jurisdiction equal to at least ten percent (10%) of the total
6 number of votes cast in the last preceding presidential
7 election, whichever is less.

8 b. Electronic petition signatures shall be included in determining
9 whether the required number of petition signatures has been
10 obtained when:

11 i. The expenses associated with the electronic petition
12 signatures have been incurred in accordance with paragraph
13 (b)6. of this subsection;

14 ii. The electronic petition signatures comply with the
15 requirements of this subsection; and

16 iii. The petition was filed in response to a tax rate levied by a
17 district board of education or other taxing district that is
18 primarily located in a county containing an urban-county
19 government or a consolidated local government.

20 c. The inclusion of an invalid petition signature on a page shall not
21 invalidate the entire page of the petition, but shall instead result in
22 the invalid petition signature being stricken and not counted.

23 (e) Upon the filing of the petition with the county clerk, the ordinance, order,
24 resolution, or motion shall be suspended from going into effect until after the
25 election referred to in subsection (3) of this section is held, or until the
26 petition is finally determined to be insufficient and no further action may be
27 taken pursuant to paragraph (i) of this subsection.

- 1 (f) The county clerk shall immediately notify the presiding officer of the
2 appropriate local governmental entity or district board of education that the
3 petition has been received and shall, within thirty (30) days of the receipt of
4 the petition, make a determination of whether the petition contains enough
5 signatures of qualified voters to place the ordinance, order, resolution, or
6 motion before the voters.
- 7 (g) If the county clerk finds the petition to be sufficient, the clerk shall certify to
8 the petition committee and the local governmental entity or district board of
9 education within the thirty (30) day period provided for in paragraph (f) of
10 this subsection that the petition is properly presented and in compliance with
11 the provisions of this section, and that the ordinance, order, resolution, or
12 motion levying the tax will be placed before the voters for approval.
- 13 (h) If the county clerk finds the petition to be insufficient, the clerk shall, within
14 the thirty (30) day period provided for in paragraph (f) of this subsection,
15 notify, in writing, the petition committee and the local governmental entity or
16 district board of education of the specific deficiencies found. Notification
17 shall be sent by certified mail and shall be published at least one (1) time in a
18 newspaper of general circulation within the county containing the local
19 governmental entity or district board of education levying the tax. If there is
20 not a newspaper within the county in which to publish the notification, then
21 the notification shall be posted at the courthouse door.
- 22 (i) A final determination of the sufficiency of a petition shall be subject to final
23 review by the Circuit Court of the county in which the local governmental
24 entity or district board of education is located, and shall be limited to the
25 validity of the county clerk's determination. Any petition challenging the
26 county clerk's final determination shall be filed within ten (10) days of the
27 issuance of the clerk's final determination.

- 1 (j) The local governmental entity or district board of education may cause the
2 cancellation of the election by reconsidering and amending the ordinance,
3 order, resolution, or motion to levy a tax rate which will produce no more
4 revenue from real property, exclusive of revenue from new property as
5 defined in KRS 132.010, than four percent (4%) over the amount of revenue
6 produced by the compensating tax rate defined in KRS 132.010 from real
7 property. The action by the local governmental entity or district board of
8 education shall be valid only if taken within fifteen (15) days following the
9 date the clerk finds the petition to be sufficient.
- 10 (3) (a) If an election is necessary under the provisions of subsection (2) of this
11 section:
- 12 1. The local governmental entity shall cause to be submitted to the voters
13 of the district at the next regular election, the question as to whether the
14 property tax rate shall be levied; or
 - 15 2. The district board of education shall cause to be submitted to the voters
16 of the district in a called common school election not less than ***fifty***
17 ***(50)***~~thirty five (35)~~ days nor more than ***sixty (60)***~~forty five (45)~~ days
18 from the date the signatures on the petition are validated by the county
19 clerk, or at the next regular election, at the option of the district board of
20 education, the question as to whether the property tax rate shall be
21 levied. The cost of a called common school election shall be borne by
22 the school district holding the election, ***which shall post bond with the***
23 ***Circuit Court to cover all costs of the election within five (5) days after***
24 ***the date the clerk finds the petition to be sufficient.*** Any called
25 common school election shall comply with the provisions of KRS
26 118.025.
- 27 (b) If an election under paragraph (a) of this subsection is held in conjunction

1 with a regular election, the question as to whether the property tax rate shall
2 be levied shall be submitted to the county clerk no later than the second
3 Tuesday in August preceding the regular election.

4 (c) In an election held under paragraph (a) of this subsection, the question shall
5 be framed to ask whether the voter is for the levy of the property tax rate. If a
6 majority of the votes cast upon the question oppose its passage, the ordinance,
7 order, resolution, or motion shall not go into effect. If a majority of the votes
8 cast upon the question favor its passage, the ordinance, order, resolution, or
9 motion shall become effective.

10 (d) If the ordinance, order, resolution, or motion fails to pass pursuant to an
11 election held under paragraph (a) of this subsection, the property tax rate
12 which will produce four percent (4%) more revenues from real property,
13 exclusive of revenue from new property as defined in KRS 132.010, than the
14 amount of revenue produced by the compensating tax rate defined in KRS
15 132.010, shall be levied without further approval by the local governmental
16 entity or district board of education.

17 (e) Local, state, and federal tax dollars shall not be used to advocate, in partial
18 terms, for or against any public question that appears on the ballot in this
19 subsection. For purposes of this section, "local" means and includes any city,
20 county, urban-county government, consolidated local government, unified
21 local government, charter county, or special district.

22 (4) Notwithstanding any statutory provision to the contrary, if a local governmental
23 entity or district board of education has not established a final tax rate as of
24 September 15, due to the recall provisions of this section, KRS 68.245, 132.027, or
25 160.470, regular tax bills shall be prepared as required in KRS 133.220 for all
26 districts having a tax rate established by that date; and a second set of bills shall be
27 prepared and collected in the regular manner, according to the provisions of KRS

1 Chapter 132, upon establishment of final tax rates by the remaining districts.

2 (5) If a second billing is necessary, the collection period shall be extended to conform
3 with the second billing date.

4 (6) All costs associated with the second billing shall be paid by the taxing district or
5 districts requiring the second billing.

6 ➔Section 20. KRS 160.210 is amended to read as follows:

7 (1) In independent school districts, the members of the school board shall be elected
8 from the district at large. In county school districts, members shall be elected from
9 divisions.

10 (2) The board of education of each county school district shall, not later than July 1,
11 1940, divide its district into five (5) divisions containing integral voting precincts
12 and as equal in population insofar as is practicable. In first dividing the county
13 district into divisions the board shall, if more than one (1) of its members reside in
14 one (1) division, determine by lot which member from that division shall represent
15 that division, and which members shall represent the divisions in which no member
16 resides. The members so determined to represent divisions in which no member
17 resides shall be considered the members from those divisions until their terms
18 expire, and thereafter the members from those divisions shall be nominated and
19 elected as provided in KRS 160.200 and 160.220 to 160.250.

20 (3) Any changes made in division boundary lines shall be to make divisions as equal in
21 population and containing integral voting precincts insofar as is practical. No
22 change may be made in division boundary lines less than five (5) years after the last
23 change in any division lines, except in case of merger of districts, a change in
24 territory due to annexation, or to allow compliance with KRS 117.055(2).

25 (4) (a) Notwithstanding the provisions of subsection (3) of this section, if one
26 hundred (100) residents of a county school district division petition the
27 Kentucky Board of Education stating that the school district divisions are not

1 divided as nearly equal in population as can reasonably be expected, the chief
2 state school officer shall cause an investigation to determine the validity of the
3 petition, the investigation to be completed within thirty (30) days after receipt
4 of the petition.

5 (b) If the investigation reveals the school district to be unequally divided
6 according to population, the Kentucky Board of Education, upon the
7 recommendation of the chief state school officer, shall order the local board of
8 education to make changes in school district divisions as are necessary to
9 equalize population within the five (5) school divisions.

10 (c) If any board fails to comply with the order of the Kentucky Board of
11 Education within thirty (30) days or prior to August 1 in any year in which
12 any members of the board are to be elected, members shall be elected from
13 the district at large until the order of the Kentucky Board of Education has
14 been complied with.

15 (d) No change shall be made in the boundary of any division under the provisions
16 of this subsection after ~~June~~^{August} 1 in the year in which a member of the
17 school board is to be elected from any division.

18 (5) Notwithstanding the provisions of subsection (2) of this section, in counties
19 containing a city of the first class wherein a merger pursuant to KRS 160.041 shall
20 have been accomplished, there shall be seven (7) divisions as equal in population as
21 is practicable, with members elected from divisions. To be eligible to be elected
22 from a division, a candidate must reside in that division. The divisions, based upon
23 1970 United States Census Bureau Reports on total population by census tracts for
24 Jefferson County, Kentucky shall be as follows: Division One shall include census
25 tracts 1-28; Division Two shall include census tracts 29-35, 47-53, 57-74, 80-84,
26 93, 129, 130; Division Three shall include census tracts 75-79, 85-88, 98-106,
27 107.01, 108; Division Four shall include census tracts 121.01, 123-128; Division

1 Five shall include census tracts 36-46, 56, 90, 120, 121.02, 122; Division Six shall
2 include census tracts 54, 55, 91, 92, 94, 95, 110.02, 113, 114, 117.01, 117.02, 118,
3 119; Division Seven shall include census tracts 89, 96, 97, 107.02, 109, 110.01,
4 111, 112, 115, 116, 117.03, 131, 132. The terms of the members to be elected, KRS
5 160.044 notwithstanding, shall be four (4) years and the election for the initial four
6 (4) year terms shall be as follows: The election of the members from Divisions
7 Two, Four and Seven shall be held at the next regular November election following
8 the effective date of the merger pursuant to KRS 160.041, and the election of the
9 members from Divisions One, Three, Five and Six shall be held at the regular
10 November election two (2) years thereafter.

11 (6) In counties containing cities of the first class, responsibility for the establishment or
12 the changing of school board division boundaries shall be with the local board of
13 education, subject to the review and approval of the county board of elections.
14 Where division and census tract boundaries do not coincide with existing election
15 precinct boundaries, school board divisions shall be redrawn to comply with
16 precinct boundaries. In no instance shall precinct boundaries be redrawn nor shall a
17 precinct be divided to accommodate the drawing of school board division lines.
18 Precinct boundaries nearest existing school board division boundaries shall become
19 the new division boundary. All changes under this statute shall be completed on or
20 before January 1, 1979, and on or before January 1 in any succeeding year in which
21 a member of the school board is to be elected from any division. A record of all
22 changes in division lines shall be kept in the offices of the county board of
23 education and the county board of elections. The board of education shall publish
24 all changes pursuant to KRS Chapter 424. A copy of the newspaper in which the
25 notice is published shall be filed with the chief state school officer within ten (10)
26 days following its publication.

27 ➔Section 21. KRS 118.631 is amended to read as follows:

1 Upon completion of the official canvass of the results of the primary by the State Board
2 of Elections, the Secretary of State shall certify to the state chairman of each political
3 party participating in the presidential preference primary the following:

4 (1) The names of the candidates entitled to delegate votes under provisions of KRS
5 118.641;

6 (2) The total vote received by each;

7 (3) A declaration that the results of the presidential preference primary, in accordance
8 with the division of votes reflected by the official canvass, shall be the official vote
9 cast by each political party at its national convention, on the first ballot only, and
10 shall be designated by KRS ~~118.555~~ to 118.651 as an automatic vote,
11 expressing the will of the people of the Commonwealth of Kentucky; and

12 (4) After the vote on the first ballot by the political party at its national convention, as
13 required by this section, all responsibility under KRS ~~118.555~~ to 118.651
14 shall terminate and further balloting shall be the prerogative of the political parties
15 as might be prescribed by the rules of such political parties.

16 ➔Section 22. KRS 118.641 is amended to read as follows:

17 (1) The political parties in distributing authorized delegate votes among party
18 candidates shall select one (1) of the following methods of distribution:

19 (a) The candidates receiving the highest number of votes, provided each
20 candidate receives at least fifteen percent (15%) of the total vote cast by his or
21 her political party, shall be awarded a pro rata portion of the authorized
22 delegate vote of his or her political party as follows:

23 1. The total vote received by the candidates qualifying under the provisions
24 of KRS ~~118.555~~ to 118.651 and subsections herein shall, when
25 combined, be equal to one hundred percent (100%);

26 2. Each such candidate shall share in the total percentage in direct
27 proportion to the total vote received by him or her mathematically

1 determined to be the percentage of the aggregate vote which represents
2 one hundred percent (100%);

3 3. Each political party shall appropriate such percentage, as is determined
4 by this section, to the total number of delegate votes as are allotted by
5 the national committee of each party; or

6 (b) The candidate receiving the highest number of votes cast by his or her
7 political party shall be awarded a pro rata portion of the authorized delegate
8 vote of his or her political party in compliance with the state party rules for
9 that party.

10 (2) Each political party shall, on the first ballot at its national convention, cast this
11 Commonwealth's vote for the candidates as determined by the primary or party
12 caucus and calculated under this section or under party rules, whichever is
13 applicable. ~~Provided, however, that in the event of the death or withdrawal of a~~
14 candidate receiving votes under this section prior to the tabulation of the first ballot,
15 any delegate votes allocated to such candidate shall be considered uncommitted.
16 Withdrawal shall mean notice in writing by the candidate to the
17 chairperson~~chairman~~ of the Kentucky delegation prior to the first ballot.

18 ➔Section 23. KRS 118.651 is amended to read as follows:

19 It shall be the responsibility of the state chairperson~~chairman~~ of each political party to
20 notify his or her party's national committee, no later than January 30 of each year in
21 which such presidential primary shall be conducted, of the provisions contained herein
22 relating to the automatic vote on the first ballot as required under KRS 118.555 to
23 118.651~~[118.551 to 118.641]~~.

24 ➔Section 24. KRS 83A.170 is amended to read as follows:

25 (1) In any city which has under the provisions of KRS 83A.045 or 83A.050 required
26 nonpartisan city elections, no person shall be elected to city office except as
27 provided in this section or as otherwise provided in this chapter relating to

1 nonpartisan elections.

2 (2) No person shall be elected to city office without being nominated in the manner
3 provided in this section at a nonpartisan primary to be held at the time prescribed by
4 KRS Chapters 116 to 121, except as otherwise provided in this chapter. Nonpartisan
5 primaries shall be conducted by the same officers, chosen and acting in the same
6 manner, with the same rights and duties as in regular elections.

7 (3) Each applicant for nomination shall, not earlier than the first Wednesday after the
8 first Monday in November of the year preceding the year in which the office will
9 appear on the ballot and not later than the last date prescribed by the election law
10 generally for filing notification and declaration forms with the county clerk as
11 provided in KRS 83A.047, file a petition of nomination, which shall be in the form
12 prescribed by the State Board of Elections signed by at least two (2) registered
13 voters in the city. Each voter may sign individual petitions equal to the number of
14 offices to be filled. If a voter signs petitions for more candidates than he or she is
15 authorized, he or she shall be counted as a petitioner for the candidate whose
16 petition is filed first.

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

20 (5) Immediately upon expiration of the time for filing petitions, the county clerk shall
21 have published in accordance with KRS Chapter 424 the names of the applicants as
22 they will appear before the voters at the primary.

23 (6) Subsection (5) of this section shall not apply if it appears, immediately upon
24 expiration of the time for filing petitions, that there are not more than two (2)
25 applicants for nomination for each city office to be filled, or, when the nominations
26 are for city legislative body members in cities electing legislative body members at
27 large, and there are no more than twice the number of applicants for nomination for

1 the number of offices to be filled. In that case, the applicants for nomination shall
2 thereby be nominated and no drawing for ballot position nor primary election shall
3 be held for that office.

4 (7) The ballot position of a candidate shall not be changed after the ballot position has
5 been designated by the county clerk.

6 (8) If, before the time of certification of candidates who will appear on the ballot, any
7 candidate whose petition has been filed in the office of the county clerk dies or
8 notifies the clerk in writing, signed and properly notarized, that he or she will not
9 accept the nomination, the clerk shall not cause the candidate's name to be printed
10 on the ballot.

11 (9) If, after the certification of candidates who will appear on the ballot, any candidate
12 whose name appears thereon shall withdraw pursuant to KRS 118.212, be
13 disqualified, or die:

14 (a) Neither the precinct election officers nor the county board of elections shall
15 disclose or report on the official certification of~~tabulate or record~~ the votes
16 cast for the candidate;

17 (b) The county clerk shall provide notices to the precinct election officers who
18 shall see that a notice is conspicuously displayed at the polling place advising
19 voters of the change, and that votes for the candidate shall not be disclosed or
20 reported~~tabulated or recorded~~. If the county clerk learns of the death,
21 disqualification, or withdrawal at least five (5) days prior to the election and
22 provides the notices required by this subsection and the precinct officers fail
23 to post the notices at the polling place, the officers shall be guilty of a
24 violation; and

25 (c) In a primary, if there are only one (1) or two (2) remaining candidates on the
26 ballot for that office, following the withdrawal, disqualification, or death of
27 the other candidate or candidates, neither the precinct election officers nor the

1 county board of elections shall disclose or report on the official certification
2 ~~of [tabulate or record]~~ the votes for the remaining candidate or candidates, and
3 the officer with whom the remaining candidate or candidates has filed his or
4 her nomination papers shall immediately issue and file in his or her office a
5 certificate of nomination for that remaining candidate or candidates and send
6 a copy to the remaining candidate or candidates.

7 (10) Names of applicants for each nomination shall be placed before the voters of the
8 city. The voters shall be instructed to vote for one (1) candidate, except when there
9 is more than one (1) candidate for which voters may vote, the instruction "vote for
10 up to candidates" shall be used on the ballot. No party designation or emblem of
11 any kind nor any sign indicating any applicant's political belief or party affiliation
12 shall be used.

13 (11) Persons qualified to vote at a regular election shall be qualified to vote at a
14 nonpartisan primary and the law applicable to challenges made at a regular election
15 shall be applicable to challenges made at a nonpartisan primary.

16 (12) Votes shall be counted as provided in general election laws, pursuant to KRS
17 Chapters 116 to 121, and the result shall be published as provided in KRS Chapter
18 424.

19 (13) The two (2) applicants receiving the highest number of votes for nomination for
20 each city office shall be nominated; or where the nominations are for city legislative
21 body members in cities electing legislative body members at large, there shall be
22 nominated the number of applicants receiving the highest number of votes equal to
23 twice the number of offices to be filled. If two (2) candidates are tied for the second
24 highest number of votes in a mayoral election, the names of those two (2)
25 candidates, plus the name of the candidate receiving the highest number of votes,
26 shall be placed upon the ballot.

27 (14) At the regular election following a nonpartisan primary, the names of the successful

1 nominees and candidates who have filed a petition of candidacy as provided in this
2 chapter to fill a vacancy shall be placed before the voters.

3 (15) The nominee or candidate receiving the greater number of votes cast for each city
4 office shall be elected.

5 (16) KRS Chapters 116 to 121 prescribing duties of county clerks and other public
6 officers in the conduct of elections shall be applicable in all respects to nonpartisan
7 city elections, except no election officer or other person within a polling place shall
8 tell or indicate to a voter, by word of mouth or otherwise, the political affiliation of
9 any candidate for city office.

10 ➔Section 25. KRS 83A.175 is amended to read as follows:

11 (1) The election to fill the regular term of a nonpartisan city office shall be conducted
12 in the manner prescribed in KRS 83A.165 when, in a regular election for
13 nonpartisan city office no candidates nominated to an office as provided in KRS
14 83A.170 are available due to death, incapacity, or withdrawal, or when city
15 legislative body members are to be elected at large and there are fewer nominees
16 than there are offices to be filled, or when a city has eliminated the primary
17 pursuant to KRS 83A.045.

18 (2) Each candidate shall, not earlier than the first Wednesday after the first Monday in
19 November of the year before the year in which the office will appear on the ballot
20 and not later than the last date prescribed by the election law generally for filing
21 petitions of nomination with the county clerk as provided in KRS 83A.047, file a
22 petition for candidacy. The petition shall be prescribed by the State Board of
23 Elections and shall be signed by at least two (2) registered voters in the city. Each
24 voter may sign individual petitions equal to the number of offices to be filled. If a
25 voter signs petitions for more candidates than he or she is authorized, he or she shall
26 be counted as a petitioner for the candidate whose petition is filed first.

27 (3) The county clerk shall examine the petition of each candidate to determine whether

1 it is regular on its face. If there is an error, the county clerk shall notify the
2 candidate by certified mail within twenty-four (24) hours of filing.

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

5 (5) If, before the certification of candidates who will appear on the ballot, any
6 candidate whose petition has been filed in the office of the county clerk, dies or
7 notifies the clerk in writing, signed and properly notarized, that he or she will not
8 accept the election, the clerk shall not cause his or her name to be printed on the
9 ballot.

10 (6) If, after the certification of candidates who will appear on the ballot, any candidate
11 whose name appears thereon shall withdraw pursuant to KRS 118.212, be
12 disqualified, or die:

13 (a) Neither the precinct election officers nor the county board of elections shall
14 disclose or report on the official certification of~~tabulate or record~~ the votes
15 cast for the candidate;

16 (b) The county clerk shall provide notices to the precinct election officers who
17 shall see that a notice is conspicuously displayed at the polling place advising
18 voters of the change, and that votes for the candidate shall not be disclosed or
19 reported~~tabulated or recorded~~. If the county clerk learns of the death,
20 disqualification, or withdrawal at least five (5) days prior to the election and
21 provides the notices required by this subsection and the precinct officers fail
22 to post the notices at the polling place, the officers shall be guilty of a
23 violation;

24 (c) If there is only one (1) remaining candidate on the ballot for that office in a
25 primary, following the withdrawal, disqualification, or death of the other
26 candidate or candidates, neither the precinct election officers nor the county
27 board of elections shall disclose or report~~tabulate or record~~ the votes for the

1 remaining candidate, and the officer with whom the remaining candidate has
2 filed his or her nomination papers shall immediately issue and file in his or
3 her office a certificate of nomination for that remaining candidate and send a
4 copy to the remaining candidate.

5 ➔Section 26. KRS 118.212 is amended to read as follows:

- 6 (1) If, before the time of certification of candidates who will appear on the ballot
7 provided in KRS 118.215, any candidate whose notification and declaration or
8 certificate or petition of nomination has been filed in the office of the Secretary of
9 State dies, is disqualified, or notifies the Secretary of State in writing, signed and
10 properly notarized that he or she will not accept the nomination or election, the
11 Secretary of State shall not certify his or her name.
- 12 (2) If, after the certification of candidates who will appear on the ballot as provided in
13 KRS 118.215, any candidate whose notification and declaration or certificate or
14 petition of nomination has been filed in the office of the county clerk dies, is
15 disqualified, or notifies the clerk, in the manner described in subsection (1) of this
16 section, that he or she will not accept the nomination or election, the clerk shall
17 ensure that notice is provided to the appropriate precincts as provided in subsection
18 (5) of this section.
- 19 (3) If, after the certification of candidates who will appear on the ballot as provided in
20 KRS 118.215, any candidate whose notification and declaration or certificate or
21 petition of nomination has been filed in the office of the Secretary of State dies, is
22 disqualified, or notifies the Secretary of State in the manner described in subsection
23 (1) of this section, that he or she will not accept the nomination or election, the
24 Secretary of State shall immediately notify the appropriate county clerk, and the
25 clerk shall ensure that notice is provided to the appropriate precincts as provided in
26 subsection (5) of this section.
- 27 (4) If, after the certification of candidates who will appear on the ballot as provided in

1 KRS 118.215, any candidate whose name appears on the ballot shall officially
 2 withdraw, **be disqualified**, or die, neither the precinct election officers nor the
 3 county board of elections shall **disclose or report on the official certification**
 4 **of**~~tabulate or record~~ the votes cast for the candidate; and, if there is only one (1)
 5 remaining candidate on the ballot for that office in a primary election, following the
 6 withdrawal, **disqualification**, or death of the other candidate or candidates, neither
 7 the precinct election officers nor the county board of elections shall **disclose or**
 8 **report on the official certification of**~~tabulate or record~~ the votes for the remaining
 9 candidate, and the officer with whom the remaining candidate has filed his or her
 10 nomination papers shall immediately issue and file in his or her office a certificate
 11 of nomination for that remaining candidate and send a copy to the remaining
 12 candidate.

13 (5) If, after the certification of candidates who will appear on the ballot as provided in
 14 KRS 118.215, any candidate whose name appears on the ballot shall officially
 15 withdraw, **be disqualified**, or die, the county clerk shall provide a notice to the
 16 precinct election officers who shall see that the notice is conspicuously displayed at
 17 the polling place advising voters of the change, and that votes for the candidate
 18 shall not be **disclosed or reported**~~tabulated or recorded~~. If the county clerk learns
 19 of the death, **disqualification**, or withdrawal at least five (5) days prior to the
 20 election and provides the notice required by this subsection and the precinct officers
 21 fail to post the notice at the polling place, the precinct officers shall be guilty of a
 22 violation subject to a fine of not less than ten dollars (\$10) nor more than two
 23 hundred fifty dollars (\$250).

24 ➔Section 27. KRS 118A.150 is amended to read as follows:

- 25 (1) In certification of candidates for judicial office, no reference shall be made to
 26 political affiliation.
- 27 (2) The Secretary of State shall not knowingly certify to the county clerk of any county

- 1 the name of any candidate who has not filed the required nomination or candidacy
2 papers, nor knowingly fail to certify the name of any candidate who has filed the
3 required nomination or candidacy papers.
- 4 (3) No county clerk shall knowingly cause to be printed on any ballots or absentee
5 ballots for any election, the name of a candidate for an office of the Court of Justice
6 who has not been certified in the manner specified in this chapter.
- 7 (4) If, before the time of certification of candidates who will appear on the ballot
8 provided for in this chapter, any candidate whose petition or certificate of
9 nomination or petition for candidacy has been filed, dies, **is disqualified**, or notifies
10 the Secretary of State in writing, signed and properly notarized, that he **or she** will
11 not accept the nomination or election, the Secretary of State shall not certify his **or**
12 **her** name.
- 13 (5) If, after the certification of candidates who will appear on the ballot, any candidate
14 whose petition or certificate of nomination or petition for candidacy has been filed,
15 dies, **is disqualified**, or notifies the Secretary of State in the manner described in
16 subsection (4) of this section, that he **or she** will not accept the nomination or
17 election, the Secretary of State shall immediately notify the appropriate county
18 clerk, and the clerk shall ensure that notice is provided to the appropriate precincts
19 as provided in subsection (7) of this section.
- 20 (6) If after the certification of candidates who will appear on the ballot, any candidate
21 whose name appears on the ballot shall withdraw, **be disqualified**, or die, neither
22 the precinct election officers nor the county board of elections shall **disclose report**
23 **on the official certification of**~~tabulate or record~~ the votes cast for the candidate;
24 and, in a primary, if there are only one (1) or two (2) remaining candidates on the
25 ballot for that office, following the withdrawal, **disqualification**, or death of the
26 other candidate or candidates, neither the precinct election officers nor the county
27 board of elections shall **disclose or report on the official certification of**~~tabulate or~~

1 ~~record~~] the votes for the remaining candidate or candidates, and the officer with
 2 whom the remaining candidate or candidates has filed his or her nomination papers
 3 shall immediately issue and file in his or her office a certificate of nomination for
 4 that remaining candidate or candidates and send a copy to the remaining candidate
 5 or candidates.

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

17 ➔Section 28. KRS 27A.070 is amended to read as follows:

18 **(1)** The Administrative Office of the Courts shall send certified notices of conviction of
 19 a felony to the State Board of Elections within ten (10) days after the conviction
 20 becomes final, ~~including the exhaustion of all appeals,~~ with regard to any person
 21 before the courts of the Commonwealth.

22 **(2) By July 24, 2026, the Administrative Office of the Courts shall send to the State**
 23 **Board of Elections an all-time list of persons convicted of a felony, including any**
 24 **persons convicted of a felony whose case is currently pending appeal, who are**
 25 **currently ineligible to vote. The State Board of Elections shall cause the removal**
 26 **of the name of any person identified through the list as ineligible to vote from the**
 27 **voter registration records it maintains by August 4, 2026.**

1 ➔Section 29. KRS 83A.040 is amended to read as follows:

- 2 (1) A mayor shall be elected by the voters of each city at a regular election. A
3 candidate for mayor shall be a resident of the city for not less than one (1) year
4 prior to his or her election. His or her term of office shall begin on the first day of
5 January following his or her election and shall be for four (4) years and until his or
6 her successor qualifies. If a person is elected or appointed as mayor in response to a
7 vacancy and serves less than four (4) calendar years, then that period of service
8 shall not be considered for purposes of re-election a term of office. A mayor shall
9 be at least twenty-one (21) years of age, shall be a qualified voter in the city, and
10 shall reside in the city throughout his or her term of office.
- 11 (2) If a vacancy occurs in the office of mayor, the following provisions shall apply:
- 12 (a) The legislative body of the city shall fill the vacancy within thirty (30) days;
- 13 (b) A member of the legislative body in any city organized and governed under
14 the commission plan as provided by KRS 83A.140 or city manager plan as
15 provided by KRS 83A.150 may vote for himself;
- 16 (c) A member of the legislative body in any city organized and governed under
17 the mayor-council plan as provided by KRS 83A.130 and in any city of the
18 first class organized under the mayor-alderman plan as provided by KRS
19 Chapter 83 shall not vote for himself; and
- 20 (d) The legislative body shall elect from among its members an individual to
21 preside over meetings of the legislative body during any vacancy in the office
22 of mayor in accordance with the provisions of KRS 83A.130 to 83A.150.
- 23 (3) When voting to fill the vacancy created by a resignation of a mayor the resigning
24 mayor shall not vote on his or her successor.
- 25 (4) Each legislative body member shall be elected at large by the voters of each city at
26 a regular election. A candidate for a legislative body shall be a resident of the city
27 for not less than one (1) year prior to his or her election. His or her term of office

1 shall begin on the first day of January following his or her election and shall be for
2 two (2) years, except as provided by KRS 83A.050. A member shall be at least
3 eighteen (18) years of age, shall be a qualified voter in the city, and shall reside in
4 the city throughout his or her term of office.

5 (5) (a) If one (1) or more vacancies on a legislative body occur in a way that one (1)
6 or more members remain seated, the remaining members shall within thirty
7 (30) days fill the vacancies one (1) at a time, giving each new appointee
8 reasonable notice of his or her selection as will enable him or her to meet and
9 act with the remaining members in making further appointments until all
10 vacancies are filled.

11 (b) If a majority of the membership on a legislative body is vacated as a result
12 of a judgment by a Circuit Court or on appeal under subsection (4) of
13 Section 37 of this Act because of an election error due to no fault of any
14 candidate or fraud, a new special election shall be called and held as soon
15 as practicable for the bona fide candidates only. Members of the legislative
16 body whose term expires shall remain in office until the contest and any
17 appeals of the regular election are complete and final.

18 (c) If vacancies occur in a way that all seats become vacant, the Governor shall
19 appoint qualified persons to fill the vacancies sufficient to constitute a
20 quorum. Remaining vacancies shall be filled as provided in this section.

21 (6) If for any reason, any vacancy in the office of mayor or the legislative body is not
22 filled within thirty (30) days after it occurs, the Governor shall promptly fill the
23 vacancy by appointment of a qualified person who shall serve for the same period
24 as if otherwise appointed.

25 (7) No vacancy by reason of voluntary resignation in the office of mayor or on a
26 legislative body shall occur unless a written resignation which specifies a
27 resignation date is tendered to the legislative body. The resignation may be

1 submitted through electronic mail if it originates from the official's electronic mail
2 address and includes also the official's handwritten signature. The resignation shall
3 be effective at the next regular or special meeting of the city legislative body
4 occurring on or after the date specified in the written letter of resignation. If a
5 resignation date is not specified, the written resignation shall be deemed to become
6 effective at the first regular or special meeting of the legislative body occurring on
7 or after its receipt.

8 (8) Pursuant to KRS 118.305(7), if a vacancy occurs which is required by law to be
9 filled temporarily by appointment, the legislative body or the Governor, whichever
10 is designated to make the appointment, shall immediately notify in writing both the
11 county clerk and the Secretary of State of the vacancy.

12 (9) Except in cities of the first class, any elected officer, in case of misconduct,
13 incapacity, or willful neglect in the performance of the duties of his or her office,
14 may be removed from office by a unanimous vote of the members of the legislative
15 body exclusive of any member to be removed, who shall not vote in the deliberation
16 of his or her removal. No elected officer shall be removed without having been
17 given the right to a full public hearing. The officer, if removed, shall have the right
18 to appeal to the Circuit Court of the county and the appeal shall be on the record.
19 No officer so removed shall be eligible to fill the office vacated before the
20 expiration of the term to which originally elected.

21 (10) Removal of an elected officer in cities of the first class shall be governed by the
22 provisions of KRS 83.660.

23 ➔SECTION 30. A NEW SECTION OF KRS CHAPTER 116 IS CREATED TO
24 READ AS FOLLOWS:

25 **(1) The State Board of Elections is authorized to enter into agreements with agencies**
26 **of the federal government to identify individuals who are deceased or who are not**
27 **citizens of the United States but are registered to vote in this state.**

1 (2) (a) Any agreement entered into in order to identify individuals who are not
2 citizens of the United States but are registered to vote in this state shall have
3 its terms agreed to in a written memorandum of understanding or similar
4 document signed by individuals authorized to do so from the federal agency
5 and the State Board of Elections.

6 (b) The document agreed to shall contain, at a minimum, provisions
7 guaranteeing the following:

8 1. The federal agency shall be provided with a copy of the roster of all
9 qualified registered voters within the state maintained by the State
10 Board of Elections pursuant to KRS 117.025;

11 2. The copy of the roster that is provided to the federal agency shall
12 include only the name, date of birth, and last four (4) digits of the
13 Social Security number, if available, of registered voters within the
14 state;

15 3. The copy of the roster that is provided to the federal agency shall not
16 include any other information, including but not limited to the
17 residential or mailing address, driver's license number, voting history,
18 or political party affiliation of registered voters within the state; and

19 4. The federal agency shall be prohibited from acquiring a copy of the
20 roster under KRS 117.025(3)(i).

21 (3) For all individuals who are identified as being a noncitizen through an
22 agreement authorized by this section, the State Board of Elections shall:

23 (a) Mark the individual's registration in the roster of all qualified registered
24 voters maintained pursuant to KRS 117.025(3)(a) in such a way that
25 indicates on the voter registration system and any e-poll book that the
26 individual has been identified as a noncitizen; and

27 (b) Mail the individual a notice stating that he or she has been identified by the

1 *federal government as being a noncitizen who is registered to vote in the*
2 *Commonwealth, and informing the individual of the steps he or she must*
3 *take before he or she may cast a ballot again.*

4 *(4) An individual identified as a noncitizen on the roster of qualified voters shall not*
5 *cast a ballot until his or her United States citizenship is verified. To verify his or*
6 *her United States citizenship, he or she shall present one (1) or more of the*
7 *following at the office of his or her county clerk:*

8 *(a) A United States birth certificate that meets all the following requirements:*

- 9 *1. Is issued by the city, county, or state of birth;*
- 10 *2. Lists the applicant's full name, date of birth, and place of birth;*
- 11 *3. Lists the applicant's parent or parents and their full names;*
- 12 *4. Has the signature of the city, county, or state registrar;*
- 13 *5. Has the date it was filed with the registrar's office; and*
- 14 *6. Has the seal or stamp of the city, county, or state in which it was*
15 *issued;*

16 *(b) An undamaged United States passport that is or was valid for ten (10) years*
17 *for adults or five (5) years for children under sixteen (16) and does not*
18 *contain a United States National endorsement;*

19 *(c) A Consular Report of Birth Abroad or Certification of Birth;*

20 *(d) A Certificate of Naturalization; or*

21 *(e) A Certificate of Citizenship.*

22 *(5) If an individual identified as a noncitizen on the roster of qualified voters*
23 *presents documentation verifying his or her United States citizenship at his or her*
24 *county clerk's office, the county clerk shall make a copy of the documentation*
25 *presented and record the copy in the voter registration system. The county clerk*
26 *shall then immediately notify the State Board of Elections of the presented*
27 *documentation and the board shall remove the mark from the voter's registration*

1 that indicates he or she was identified as a noncitizen on the roster of qualified
2 voters.

3 (6) If an individual identified as a noncitizen on the roster of qualified voters appears
4 at a voting location to vote, the election officer shall allow the voter to cast a
5 provisional ballot only after the voter has attested under penalty of perjury that he
6 or she is a United States citizen on a form provided by the State Board of
7 Elections.

8 (7) An individual identified as a noncitizen on the roster of qualified voters shall be
9 purged from the roster of qualified voters if the individual does not verify his or
10 her United States citizenship before the day after the date of the second general
11 election for federal office that occurs after the individual was identified as a
12 noncitizen on the roster of qualified voters.

13 (8) The voter registration of all individuals who are identified as being a noncitizen
14 through an agreement authorized by this section shall be forwarded by the State
15 Board of Elections to the Unit of Election Investigations and Security within the
16 Office of the Attorney General. If the citizenship of an individual identified as a
17 noncitizen is later verified by the applicable federal agency or through the
18 procedures in this section, the State Board of Elections shall notify the Unit of
19 Election Investigations and Security within the Office of the Attorney General of
20 that fact.

21 ➔Section 31. KRS 116.113 is amended to read as follows:

22 (1) (a) Upon receipt of notification from the Cabinet for Health and Family Services
23 or other reliable sources of the death of a person, the State Board of Elections
24 shall within five (5) days cause the removal of the name of that person from
25 the voter registration records it maintains, except that no voter's name may be
26 removed during the period of time the registration books are closed for any
27 primary, general, or special election.

- 1 (b) To ensure that the State Board of Elections accurately removes names from
2 the voter registration records it maintains, the Cabinet for Health and Family
3 Services shall provide a copy of the lifetime Kentucky death records to the
4 State Board of Elections on or before July 1 of each year.
- 5 (2) Upon receipt of notification from the circuit clerk that a person has been declared
6 incompetent, the State Board of Elections shall within five (5) days cause the
7 removal of the name of that person from the voter registration records it maintains,
8 except that no voter's name may be removed during the period of time the
9 registration books are closed for any primary, general, or special election.
- 10 (3) Upon receipt of notification from the Administrative Office of the Courts that a
11 person has been excused from jury duty for not being a citizen of the United States,
12 the State Board of Elections shall within five (5) days cause the removal of the
13 name of that person from the voter registration records it maintains, except that no
14 voter's name may be removed during the period of time the registration books are
15 closed for any primary, general, or special election.
- 16 (4) Upon receipt of notification from the Administrative Office of the Courts or the
17 United States Department of Justice that a person has been convicted of a felony
18 offense, including persons convicted of a felony offense whose case is currently
19 on appeal, the State Board of Elections shall within five (5) days cause the removal
20 of the name of that person from the voter registration records it maintains, except
21 that no voter's name may be removed during the period of time the registration
22 books are closed for any primary, general, or special election.
- 23 (5) Upon receipt of notification from a local or state jurisdiction that a voter has
24 registered to vote in the new local or state jurisdiction outside of the
25 Commonwealth, the State Board of Elections shall within five (5) days cause the
26 removal of the name of that person from the voter registration records that it
27 maintains, except that no voter's name may be removed during the period of time

1 the registration books are closed for any primary, regular election, or special
2 election.

3 (6) (a) Following the purge of a name from the records of the State Board of
4 Elections:~~;~~

5 1. The state board shall notify the clerk of the county in which the voter
6 lived of the action; and

7 2. The county clerk shall within ten (10) days update the county voter
8 registration files to reflect the necessary change.

9 (b) 1. If a protest is filed by the voter, the county board shall hear it at its next
10 regular monthly meeting.

11 2. If the county board decides in favor of the protesting voter, the voter's
12 registration record shall be restored, including his or her voting record.

13 3. If the protest is filed while the registration books are closed and the
14 county board decides in favor of the protesting voter, the county board
15 shall issue the voter an "Authorization to Vote" for the upcoming
16 election and the voter's record shall be restored when the registration
17 books open following the election.

18 ➔Section 32. KRS 117.155 is amended to read as follows:

19 The county clerk shall place all ballots required to be placed upon voting equipment in
20 such a manner as will most nearly conform to the plan of arrangement prescribed by the
21 Secretary of State under KRS 118.215. The county clerk shall then see that the counters
22 referred to in KRS 117.125(1)(g)(~~(17)~~) and (r)(~~(18)~~) are set at zero, and shall lock the
23 operating device and mechanism and the devices protecting the counters and ballots,
24 which shall then be covered with a tamper-resistant seal. The county clerk shall then
25 enter in an appropriate book, opposite the number of each precinct the distinguishing
26 number of the voting equipment or the unique designation to be used in that precinct.

27 ➔Section 33. KRS 117.205 is amended to read as follows:

1 Before the polls are open, and before permitting any person to vote on the day of the
2 election, the election officers shall examine the voting equipment to ascertain whether it
3 has been operated since the counters referred to in KRS 117.125~~(1)(g)~~~~(17)~~ and
4 ~~(1)(r)~~~~(18)~~ were set at zero, and to ascertain whether the ballots are arranged as
5 previously specified. If the voting equipment indicates that it has been operated or if the
6 ballots are not properly arranged, the officers shall not unlock the operating device or
7 mechanism, but shall immediately secure the attendance of the county clerk and one (1)
8 member of the county board of elections other than the county clerk, who shall reset the
9 counters at zero and relock the device covering the counters, or properly arrange the
10 ballots, as the case may be, in the presence of the election officers. If the attendance of
11 members of the board of elections cannot be obtained before the opening of the polls or
12 within one (1) hour thereafter, the election officers shall notify the county clerk of the
13 foregoing facts and obtain from the county clerk reserve voting equipment, and proceed
14 to conduct the election. Any reserve voting equipment shall have been certified for use at
15 the election by the county board of elections and prepared for use at the election by the
16 election officers in the precinct in the same manner as the original voting equipment was
17 prepared for the election. The voting equipment found to have been so operated shall be
18 returned immediately to the custody of the county clerk, whose duty it shall be to
19 promptly repair same so that it may be used as reserve voting equipment in the election if
20 needed.

21 ➔Section 34. KRS 117.383 is amended to read as follows:

22 The State Board of Elections shall promulgate administrative regulations *in accordance*
23 *with*~~under~~ KRS Chapter 13A which shall maintain the maximum degree of correctness,
24 impartiality, and efficiency of the procedures of voting and shall provide methods to:

- 25 (1) Count, tabulate, and record votes;
- 26 (2) Place items on any ballot which shall, as closely as possible, follow the
27 requirements pertaining to ballots;

- 1 (3) Design the ballots to include a system to ensure an accurate record of all voting
2 activities;
- 3 (4) Instruct voters in the use of the voting system, including any ballot marking device;
- 4 (5) Provide for checking the accuracy of the voting system;
- 5 (6) Provide necessary supplies, including those necessary for a write-in vote, to ensure
6 voter privacy;
- 7 (7) Provide for the conducting and review of an audit of any component of a voting
8 system or any voting equipment, and a review of any audit log;
- 9 (8) Provide for the conducting and review of an election audit which shall establish the
10 protocol by which ballots are checked, compared, and verified with the results
11 produced by vote tallying equipment to ensure accuracy through a hand-to-eye
12 audit defined and conducted as follows:
- 13 (a) To validate the accuracy and fidelity of the vote tabulation, the Secretary of
14 State or his or her designee shall randomly select, in all counties of the
15 Commonwealth, one (1) ballot scanner and one (1) race tabulated on that
16 scanner, **which shall have more than ten (10) votes cast**, for a hand-to-eye
17 audit to be performed by each county board of elections or its designee,
18 **Counties shall send a list for selection to the Secretary of State's Office that**
19 **only includes ballot scanners which recorded more than ten (10) votes cast**;
- 20 (b) The sealed ballot boxes and signed tabulator tally tape or record from election
21 day, as established in KRS 117.275, shall be provided by the county board of
22 elections at an agreed upon location, and shall be accessible for public
23 viewing. The sealed ballots are only to be unsealed in the presence of the
24 county board of elections or its designee and public witnesses;
- 25 (c) A minimum of two (2) qualified poll workers, not of the same political party,
26 shall be selected from lists of available volunteers, sworn in by the county
27 board of elections or its designee to do the hand-to-eye audit, and

1 compensated at the local poll worker rate. A video recording device shall be
2 used for recording the event and it may be streamed for public internet
3 viewing. A request under the Kentucky Open Records Act, KRS 61.870 to
4 61.884, for this video after an election shall be made during the sixty (60)
5 consecutive days following the election, and the video may be disposed of
6 after those sixty (60) days, or upon compliance with the Kentucky Open
7 Records Act or the closure of an investigation or any litigation, including
8 appeals, in a District, Circuit, or federal court, whichever is later;

9 (d) Ballots are to be aligned for stacking as needed, then viewed one (1) at a time,
10 with each volunteer making a tally mark on a tally sheet for each vote cast for
11 each candidate. Any ballots that are disputed or unclearly marked shall be set
12 aside and the county board of elections or its designee shall determine voter
13 intent;

14 (e) Once the hand-to-eye audit is completed, each volunteer shall add up the tally
15 marks for each candidate, write down a total number of votes for each
16 candidate, and sign the tally sheet. The county board of elections or its
17 designee shall verify if the two (2) separate hand-to-eye tallies match. If the
18 two (2) hand-to-eye tallies do not match each other, the process must be
19 repeated until the totals are matching. Once this occurs, the county board of
20 elections or its designee shall also verify the tallies by signing each tally sheet.
21 Then, the ballots must be returned to the ballot box and resealed in the
22 presence of the county board of elections or its designee and public witnesses;

23 (f) The county board of elections or its designee shall compare the signed register
24 tape total from the vote tabulation machine on election day to the hand-to-eye
25 tallies. If there is a discrepancy between the machine count and the hand-to-
26 eye audit, other than instances of voter intent markings outside the designated
27 marking area on the paper ballot that were unreadable by the scanner, or

- 1 unscanned overvotes resulting from two (2) or more voter intent marks on the
2 same race, the county board of elections or its designee shall open an election
3 investigation including a review of election day irregularity reports. If more
4 discrepancies are found, the county board of elections or its designee shall
5 broaden the investigation until the reason for the discrepancy is discovered
6 and subsequently resolved. A determination as to whether the outcome of the
7 race could have been impacted by the discrepancies shall be made and any
8 findings shall be reported to the Attorney General and Secretary of State; and
- 9 (g) The county board of elections or its designee shall examine the electronic or
10 paper sign-in records from the precinct or vote center and validate that the
11 ballots cast and recounted were less than or equal to the sign-in records for
12 that precinct or vote center. If the cast ballots for the precinct or vote center
13 exceed the number of voters on the sign-in records for the precinct or vote
14 center, the county board of elections shall open an election investigation and
15 report the findings to the Attorney General and Secretary of State;
- 16 (9) Provide a method for maintaining sufficient documents, including ballots and
17 records, so that votes can be recounted;
- 18 (10) Ensure the county board of elections produces accurate precinct-by-precinct
19 summaries of tabulation sheets showing the results of each precinct during in-
20 person absentee voting, election day voting, and when a county is approved to use a
21 vote center;
- 22 (11) Except as otherwise required in this chapter, all records and papers relating to
23 specified elections be retained for twenty-two (22) months, such documents and
24 records shall be maintained for thirty (30) days following an election; and
- 25 (12) Unless contrary to the Help America Vote Act of 2002, ensure that all federal
26 provisional voting shall be conducted in a manner as prescribed by KRS Chapters
27 116 to 120.

1 ➔Section 35. KRS 118.176 is amended to read as follows:

- 2 (1) A "bona fide" candidate means one who is seeking nomination in a primary or
3 election in a special or regular election according to law.
- 4 (2) The bona fides of any candidate seeking nomination as the nominee of a political
5 party or a nonpartisan or judicial nominee in a primary or election to an office as a
6 member of a political organization, political group, or as an independent in a special
7 or regular election may be questioned by any qualified voter entitled to vote for the
8 candidate or by an opposing candidate by summary proceedings consisting of a
9 motion before the Circuit Court of the judicial circuit in which the candidate whose
10 bona fides is questioned resides. An action regarding the bona fides of the nominee
11 of a political party or a nonpartisan or judicial nominee may be commenced at any
12 time prior to the primary. An action regarding the bona fides for election to an
13 office as a member of a political organization, political group, or as an independent
14 may be commenced at any time prior to a special or regular election. The motion
15 shall be tried summarily and without delay. Proof may be heard orally, and upon
16 motion of either party shall be officially reported. If the Circuit Judge of the circuit
17 in which the proceeding is filed is disqualified or absent from the county or is
18 herself or himself a candidate, the proceeding may be presented to, heard and
19 determined by the Circuit Judge of any adjoining judicial circuit.
- 20 (3) In any action or proceeding under this section the burden of proof as to the bona
21 fides of a candidate shall be on the person challenging the bona fides of a candidate.
- 22 (4) If the court finds the candidate is not a bona fide candidate:
- 23 (a) It shall so order, and certify the fact to the board of elections, and the
24 candidate's name shall be stricken from the written designation of election
25 officers filed with the board of elections or the court may refuse recognition
26 or relief in a mandatory or injunctive way; ~~and~~
- 27 (b) The order of the Circuit Court shall be entered on the order book of the court

1 and shall be subject to a motion to set aside in the Court of Appeals. The
 2 motion shall be heard by the Court of Appeals or a judge thereof in the
 3 manner provided for dissolving or granting injunctions, except that the motion
 4 shall be made before the court or judge within five (5) days after the entry of
 5 the order in the Circuit Court, and may be heard and tried upon the original
 6 papers, and the order of the Court of Appeals or judge thereof shall be final;

7 and

8 (c) The person bringing the action shall be entitled to and awarded his or her
 9 reasonable attorney's fees, expert witness fees, and other court costs for trial
 10 and appeal, and those fees and costs shall be taxed against the candidate or
 11 his or her campaign committee after the timely filing of a bill of costs with
 12 the Circuit Court.

13 (5) No person shall approach the Circuit Judge for the purpose or view of influencing
 14 his or her decision on the motion pending before the Circuit Judge or to be tried by
 15 him or her.

16 ➔SECTION 36. A NEW SECTION OF KRS CHAPTER 118A IS CREATED
 17 TO READ AS FOLLOWS:

18 (1) A candidate for judicial office may publicly disclose his or her political party
 19 affiliation, including but not limited to:

20 (a) Identifying himself or herself as a member of a political party;

21 (b) Stating current voter registration status or past or current party affiliation;

22 and

23 (c) Communicating political values or viewpoints consistent with his or her
 24 party affiliation.

25 (2) A candidate for judicial office shall not:

26 (a) Claim to be the official nominee of a political party for judicial office;

27 (b) Use language or materials that imply nomination, designation, or

1 *endorsement by a political party; or*
 2 *(c) Use party symbols, slogans, or imagery in a manner that would mislead a*
 3 *reasonable person to believe the candidate is running in a partisan election*
 4 *or was selected by a political party to represent it.*

5 *(3) This section shall not be construed to authorize partisan elections for judicial*
 6 *office or to permit political party nomination, designation, or ballot labeling of*
 7 *candidates for judicial office.*

8 ➔Section 37. KRS 120.165 is amended to read as follows:

9 (1) A contest instituted under KRS 120.155 shall proceed as equity actions. Upon
 10 return of the summons properly executed to the office of the circuit clerk, he or she
 11 shall immediately docket the case and notify the presiding judge of the court that
 12 the contest has been filed. The judge shall proceed to a trial of the cause without
 13 delay. In courts having more than one (1) judge, the judge who shall try the case
 14 shall be determined by lot. The court shall complete the case as soon as practicable.
 15 The action shall have precedence over all other cases.

16 (2) The evidence in chief for the contestant shall be completed within thirty (30) days
 17 after service of summons; the evidence for the contestee shall be completed within
 18 twenty-five (25) days after filing of answer, and evidence for contestant in rebuttal
 19 shall be completed within seven (7) days after the contestee has concluded;
 20 provided that for cause the court may grant a reasonable extension of time to either
 21 party.

22 (3) All voting machines, voting equipment, or voting systems, ballots, stub books, and
 23 other papers concerning which there is any ground for contest may be removed to
 24 the court in which the action is pending.

25 (4) If it appears from an inspection of the whole record that there has been such fraud,
 26 intimidation, bribery, or violence in the conduct of the election that neither
 27 contestant nor contestee can be judged to have been fairly elected, the Circuit

1 Court, or an appellate court~~[-]~~ on appeal, may adjudge that there has been no
 2 election. In that event the office shall be deemed vacant, with the same legal effect
 3 as if the person elected had refused to qualify. **In the event a majority of the offices**
 4 **of a legislative body are deemed vacant under subsection (5)(b) of Section 29 of**
 5 **this Act, the county clerk and local board of elections shall call a special election**
 6 **of the bona fide candidates who previously qualified as soon as practicable,**
 7 **within at least forty-five (45) days of the declaration of vacancies becoming final**
 8 **orders.** If one (1) of the parties is adjudged by the court to be elected to the office,
 9 he or she shall, on production of a copy of the final judgment, be permitted to
 10 qualify or be commissioned.

11 **(5) If an election contest brought under this section is successful, as determined by**
 12 **the Circuit Court or an appellate court on appeal, the contestant shall be entitled**
 13 **to recover reasonable attorney's fees, expert witness fees, and other court costs.**
 14 **The fees and costs shall be taxed by the court against the local board of elections**
 15 **or against any party adjudicated to have engaged in fraud, intimidation, bribery,**
 16 **or violence that prevented either the contestant or contestee from being fairly**
 17 **elected.**

18 ➔Section 38. KRS 121.015 is amended to read as follows:

19 As used in this chapter:

- 20 (1) "Registry" means the Kentucky Registry of Election Finance;
- 21 (2) "Election" means any primary, regular, or special election to fill vacancies
 22 regardless of whether a candidate or slate of candidates is opposed or unopposed in
 23 an election. Each primary, regular, or special election shall be considered a separate
 24 election;
- 25 (3) "Committee" includes the following:
- 26 (a) "Campaign committee," which means one (1) or more persons who receive
 27 contributions and make expenditures to support or oppose one (1) or more

1 specific candidates or slates of candidates for nomination or election to any
2 state, county, city, or district office, that is authorized by the candidate or slate
3 of candidates to receive contributions, make expenditures, and generally
4 conduct a campaign for the candidate or slate of candidates, but does not
5 include an entity established solely by a candidate which is managed solely by
6 a candidate and a campaign treasurer and whose name is generic in nature,
7 such as "Friends of (the candidate)," and does not reflect that other persons
8 have structured themselves as a committee, designated officers of the
9 committee, and assigned responsibilities and duties to each officer with the
10 purpose of managing a campaign to support or oppose a candidate in an
11 election;

12 (b) "Independent expenditure-only committee," which means one (1) or more
13 persons who receive unlimited contributions for the purpose of making only
14 independent expenditures to support or oppose one (1) or more specific
15 candidates or slates of candidates for nomination or election to any state,
16 county, city, or district office;

17 (c) "Caucus campaign committee," which means members of one (1) of the
18 following caucus groups who receive contributions and make expenditures to
19 support or oppose one (1) or more specific candidates or slates of candidates
20 for nomination or election, or a committee:

- 21 1. House Democratic caucus campaign committee;
- 22 2. House Republican caucus campaign committee;
- 23 3. Senate Democratic caucus campaign committee;
- 24 4. Senate Republican caucus campaign committee; or
- 25 5. Subdivisions of the state executive committee of a minor political party,
26 which serve the same function as the above-named committees, as
27 determined by regulations promulgated by the registry;

- 1 (d) "Political issues committee," which means three (3) or more persons joining
2 together to advocate or oppose a ballot measure if that committee receives or
3 expends money in excess of one thousand dollars (\$1,000);
- 4 (e) "Permanent committee," which means a group of individuals, including an
5 association, committee, or organization, other than a campaign committee,
6 independent expenditure-only committee, federally registered political
7 committee, political issues committee, inaugural committee, caucus campaign
8 committee, or party executive committee, which is established as, or intended
9 to be, a permanent organization having as a primary purpose expressly
10 advocating the election or defeat of one (1) or more clearly identified
11 candidates, slates of candidates, or political parties, which functions on a
12 regular basis throughout the year;
- 13 (f) ~~[An]~~ "Executive committee of a political party," **which means a political**
14 **committee that is a subdivision of a national political party committee and**
15 **operates within the structure and under the supervision of the state**
16 **executive committee of that same political party. Political parties may**
17 **support candidates for public office, raise and spend money for their**
18 **internal operations, and are governed by a committee that is elected by the**
19 **voters in that subdivision in a manner not inconsistent with the rules of that**
20 **same political party**; and
- 21 (g) "Inaugural committee," which means one (1) or more persons who receive
22 contributions and make expenditures in support of inauguration activities for
23 any candidate or slate of candidates elected to any state, county, city, or
24 district office;
- 25 (4) "Contributing organization" means a group which merely contributes to candidates,
26 slates of candidates, campaign committees, caucus campaign committees, or
27 executive committees from time to time from funds derived solely from within the

1 group, and which does not solicit or receive funds from sources outside the group
2 itself. Any contributions made by the groups in excess of **two hundred dollars**
3 **(\$200)**~~one hundred dollars (\$100)]~~ shall be reported to the registry;

4 (5) "Testimonial affair" means an affair held in honor of a person who holds or who is
5 or was a candidate for nomination or election to a political office in this state
6 designed to raise funds for any purpose not charitable, religious, or educational;

7 (6) "Contribution" means any:

8 (a) Payment, distribution, loan, deposit, or gift of money or other thing of value,
9 to a candidate, his or her agent, a slate of candidates, its authorized agent, a
10 committee, or contributing organization. As used in this subsection, "loan"
11 shall include a guarantee, endorsement, or other form of security where the
12 risk of nonpayment rests with the surety, guarantor, or endorser, as well as
13 with a committee, contributing organization, candidate, slate of candidates, or
14 other primary obligor. No person shall become liable as surety, endorser, or
15 guarantor for any sum in any one (1) election which, when combined with all
16 other contributions the individual makes to a candidate, his or her agent, a
17 slate of candidates, its agent, a committee, or a contributing organization,
18 exceeds the contribution limits provided in KRS 121.150;

19 (b) Payment by any person other than the candidate, his or her authorized
20 treasurer, a slate of candidates, its authorized treasurer, a committee, or a
21 contributing organization, of compensation for the personal services of
22 another person which are rendered to a candidate, slate of candidates,
23 committee, or contributing organization, or for inauguration activities;

24 (c) Goods, advertising, or services with a value of more than **two hundred dollars**
25 **(\$200)**~~one hundred dollars (\$100)]~~ in the aggregate in any one (1) election
26 which are furnished to a candidate, slate of candidates, committee, or
27 contributing organization or for inauguration activities without charge, or at a

- 1 rate which is less than the rate normally charged for the goods or services; or
- 2 (d) Payment by any person other than a candidate, his or her authorized treasurer,
- 3 a slate of candidates, its authorized treasurer, a committee, or contributing
- 4 organization for any goods or services with a value of more than **two hundred**
- 5 **dollars (\$200)**~~one hundred dollars (\$100)~~ in the aggregate in any one (1)
- 6 election which are utilized by a candidate, slate of candidates, committee, or
- 7 contributing organization, or for inauguration activities;
- 8 (7) Notwithstanding the foregoing meanings of "contribution," the word shall not be
- 9 construed to include:
- 10 (a) Services provided without compensation by individuals volunteering a portion
- 11 or all of their time on behalf of a candidate, a slate of candidates, committee,
- 12 or contributing organization;
- 13 (b) A loan of money by any financial institution doing business in Kentucky
- 14 made in accordance with applicable banking laws and regulations and in the
- 15 ordinary course of business;~~or~~
- 16 (c) An independent expenditure by any individual or permanent committee; **or**
- 17 **(d) Any processing fee, transaction fee, or service charge deducted by a third-**
- 18 **party payment processor, credit card issuer, or electronic payment service,**
- 19 **provided that the fee is a standard commercial charge for the service**
- 20 **rendered;**
- 21 (8) "Candidate" means any person who has received contributions or made
- 22 expenditures, has appointed a campaign treasurer, or has given his or her consent
- 23 for any other person to receive contributions or make expenditures with a view to
- 24 bringing about his or her nomination or election to a nonfederal public office,
- 25 except as provided in KRS 121.180(10)(b);
- 26 (9) "Slate of candidates" means:
- 27 (a) Between the time a certificate or petition of nomination has been filed for a

1 candidate for the office of Governor under KRS 118.365 and the time the
2 candidate designates a running mate for the office of Lieutenant Governor
3 under KRS 118.126, a slate of candidates consists of the candidate for the
4 office of Governor; and

5 (b) After that candidate has designated a running mate under KRS 118.126, that
6 same slate of candidates consists of that same candidate for the office of
7 Governor and the candidate's running mate for the office of Lieutenant
8 Governor. Unless the context requires otherwise, any provision of law that
9 applies to a candidate shall also apply to a slate of candidates;

10 (10) "Knowingly" means, with respect to conduct or to a circumstance described by a
11 statute defining an offense, that a person is aware or should have been aware that
12 his or her conduct is of that nature or that the circumstance exists;

13 (11) "Fundraiser" means an individual who directly solicits and secures contributions on
14 behalf of a candidate or slate of candidates for a statewide-elected state office or an
15 office in a jurisdiction with a population in excess of two hundred thousand
16 (200,000) residents;

17 (12) "Independent expenditure" means:

18 (a) The expenditure of money or other things of value for a communication which
19 expressly advocates the election or defeat of a clearly identified candidate or
20 slate of candidates, and which:

21 1. Is made without any coordination, consultation, or cooperation with any
22 candidate, slate of candidates, campaign committee, or any authorized
23 person acting on behalf of any of them; and

24 2. Is not made in concert with, or at the request or suggestion of any
25 candidate, slate of candidates, campaign committee, or any authorized
26 person acting on behalf of any of them; or

27 (b) The expenditure of money or other things of value for a communication which

1 expressly advocates or opposes a ballot measure, and which:

2 1. Is made without any coordination, consultation, or cooperation with any
3 political issues committee, or any authorized person acting on behalf of
4 a political issues committee; and

5 2. Is not made in concert with, or at the request or suggestion of, any
6 political issues committee, or any authorized person acting on behalf of
7 a political issues committee;

8 (13) "Electronic reporting" means the use of technology, having electrical, digital,
9 magnetic, wireless, optical, electromagnetic, or similar capabilities, by which an
10 individual or other entity submits, compiles, or transmits campaign finance reports
11 to the registry, or by which the registry receives, stores, analyzes, or discloses the
12 reports;

13 (14) "Security procedure" means a procedure employed for the purpose of verifying that
14 an electronic signature, record, or performance is that of a specific person or for
15 detecting changes or errors in the information in an electronic record. The term
16 includes a procedure that requires the use of algorithms or other codes, identifying
17 words or numbers, encryption, or callback or other acknowledgment procedures;

18 (15) "Electronic signature" means an electronic sound, symbol, or process attached to or
19 logically associated with a record and executed or adopted by a person with the
20 intent to sign the record;

21 (16) "Filer" means any candidate, a slate of candidates, committee, or other individual or
22 entity required to submit financial disclosure reports to the registry;

23 (17) "Filer-side software" means software provided to or used by the filer that enables
24 transmittal of financial reports to the registry;

25 (18) "Form" means an online web page or an electronic document designed to capture,
26 validate, and submit data for processing to the registry, unless the context otherwise
27 prescribes;

- 1 (19) "Reasonable cause" means an event, happening, or circumstance entirely beyond
2 the knowledge or control of the candidate, slate of candidates, or committee, which
3 has exercised due care and prudence in maintaining the records of the campaign or
4 committee pursuant to statute or administrative regulation;
- 5 (20) "Foreign national" means:
- 6 (a) An individual who is not a citizen or lawful permanent resident of the United
7 States;
- 8 (b) A government, political subdivision, or municipality of a foreign country;
- 9 (c) A foreign political party;
- 10 (d) Any entity, including but not limited to a partnership, association, corporation,
11 organization, or other combination of persons, that is organized under the
12 laws of or has its principal place of business in a foreign country; or
- 13 (e) Any entity in the United States, including but not limited to a partnership,
14 association, corporation, or organization that is wholly or majority owned by
15 any foreign national, unless:
- 16 1. Any contribution or expenditure the entity makes derives entirely from
17 funds generated by the entity's United States operations; and
- 18 2. All decisions concerning the contribution or expenditure, except for
19 setting overall budget amounts, are made by individuals who are United
20 States citizens or permanent residents;
- 21 (21) "Ballot measure" means a question, other than the nomination or election of a
22 candidate for public office, which has been:
- 23 (a) Approved by a political subdivision or the General Assembly and is required
24 by law to be placed before the voters of the territory affected; or
- 25 (b) Initiated or referred by citizen petition as authorized by KRS 242.020 and
26 placed before the voters of the territory affected;
- 27 (22) "Preliminary activity" includes but is not limited to:

- 1 (a) Participating in focus groups;
- 2 (b) Making telephone calls;
- 3 (c) Traveling;
- 4 (d) Conducting polls; and
- 5 (e) Drafting ballot measure language; and

6 (23) "Tax-exempt organization" means an organization described in 26 U.S.C. sec.
7 501(c) and exempt from federal taxation under 26 U.S.C. sec. 501(a). This
8 subsection shall not be construed to treat a political organization under 26 U.S.C.
9 sec. 527 as a tax-exempt organization for purposes of this chapter.

10 ➔Section 39. KRS 121.065 is amended to read as follows:

11 (1) No publisher of newspapers, magazines, handbills, or other printed matter, owner or
12 lessor of billboards, radio or television station or network, **digital media platform**,
13 or any other person, company, corporation, or organization offering its
14 communications services for hire to the public shall be permitted to charge fees for
15 political advertising in excess of the lowest rate charged to other advertisers at the
16 time the political advertising is purchased.

17 (2) Political advertising means any communication intended to support or defeat a
18 candidate for public office.

19 (3) An action to enjoin violations of this section shall be in the Circuit Court of the
20 county where the complaining candidate resides.

21 ➔Section 40. KRS 121.110 is amended to read as follows:

22 (1) There is hereby created as an independent agency of state government a Kentucky
23 Registry of Election Finance. The registry shall be composed of seven (7) members
24 appointed as provided herein. The registry shall remain independent of any other
25 agency or department of state government. Members shall be at least twenty-five
26 (25) years of age, registered voters in Kentucky, not announced candidates for
27 public office, not officers of a political party's state central executive committee,

1 shall not have been convicted of an election offense, and shall be persons of high
2 ethical standards who have an active interest in promoting fair elections.
3 Appointees shall be subject to Senate confirmation at the next regular session of the
4 General Assembly following appointment, or at the next special session if included
5 in the Governor's call. Appointees shall have full power to serve until any vote of
6 nonconfirmation.

7 (2) Members of the registry shall be selected as follows:

8 (a) One (1) member shall be appointed by the Governor from a list of three (3)
9 nominees submitted by the state central committee of the political party
10 polling the largest vote at the last gubernatorial election; ~~and~~

11 (b) One (1) member shall be appointed by the Governor from a list of three (3)
12 nominees submitted by the state central committee of the political party
13 polling the second largest vote at the last gubernatorial election. The members
14 appointed pursuant to subsections (a) and (b) of this section shall take office
15 on August 15, 1990, for a term of one (1) year and their successors shall serve
16 a term of four (4) years beginning August 15, 1991, or until their successors
17 are appointed and qualified; ~~and~~

18 (c) Two (2) other members shall be appointed by the Governor. Before making
19 these appointments, the Governor shall solicit nominations from at least two
20 (2) organizations which have demonstrated a nonpartisan interest in fair
21 elections and informed voting. The Governor's solicitations and the replies
22 shall be public records. The Governor shall give due consideration to such
23 nominations. The two (2) members appointed pursuant to this subsection shall
24 be one (1) from each of the two (2) political parties which polled the greatest
25 number of votes at the last gubernatorial election. Members appointed
26 pursuant to this subsection shall take office on August 15, 1988, for a term of
27 four (4) years or until their successors are appointed and qualified and their

1 successors shall serve a term of four (4) years;~~;~~

2 (d) One (1) member shall be appointed by the Auditor of Public Accounts after
3 soliciting nominations as provided by subsection (c) of this section. The
4 appointee shall be a member of one (1) of the two (2) political parties which
5 polled the greatest number of votes at the last gubernatorial election. The
6 member appointed pursuant to this subsection shall take office on August 15,
7 1997, for a term of four (4) years or until his successor is appointed and
8 qualified and his successors shall serve a term of four (4) years;~~;~~

9 (e) One (1) member shall be appointed by the Attorney General after soliciting
10 nominations as provided by subsection (c) of this section. The appointee shall
11 not be a member of the same political party as the person appointed by the
12 Auditor of Public Accounts pursuant to subsection (d) of this section. The
13 member appointed pursuant to this subsection shall take office on August 15,
14 1990, for a term of four (4) years or until his successor is appointed and
15 qualified and his successors shall serve a term of four (4) years; and~~;~~

16 (f) One (1) member shall be appointed by the Secretary of State after soliciting
17 nominations as provided by subsection (c) of this section. The Secretary of
18 State's appointment shall be without regard to political affiliation. The
19 member appointed pursuant to this subsection shall take office on August 15,
20 1990, for a term of three (3) years or until his successor is appointed and
21 qualified and his successors shall serve a term of four (4) years.

22 (3) The members of the registry shall select a chairman from among the appointed
23 membership, effective August 15, 1990. The chairman shall serve in that capacity
24 for one (1) year and shall be eligible for reelection. The chairman shall preside at all
25 meetings and shall have all the powers and privileges of the other members.

26 (4) In the event of a vacancy in the office of any member, the vacancy shall be filled
27 within thirty (30) days of the occurrence, in the same manner as the vacating

1 member's office was filled pursuant to subsection (2) of this section.

2 (5) The registry shall fix the place and time of its regular meetings by order duly
3 recorded in its minutes. No action shall be taken without a quorum present. Special
4 meetings shall be called by the chairman on his own initiative or on the written
5 request of three (3) members. Members shall receive seven (7) days' written notice
6 of a special meeting and the notice shall specify the purpose, time and place of the
7 meeting, and no other matters may be considered, without a specific waiver by all
8 the members.

9 (6) The members of the registry ~~shall receive sixty five dollars (\$65) per diem, and~~
10 shall be reimbursed for **necessary travel and expenses in the same manner as state**
11 **employees** ~~[all reasonable and necessary expenses].~~

12 ➔Section 41. KRS 121.120 is amended to read as follows:

13 (1) The registry may:

- 14 (a) Require by special or general orders, any person to submit, under oath, any
15 written reports and answers to questions as the registry may prescribe;
- 16 (b) Administer oaths or affirmations;
- 17 (c) Require by subpoena, signed by the chair, the attendance and testimony of
18 witnesses and the production of all documentary evidence, excluding
19 individual and business income tax records, relating to the execution of its
20 duties;
- 21 (d) In any proceeding or investigation, to order testimony to be taken by
22 deposition before any person who is designated by the registry and has the
23 power to administer oaths and, in those instances, to compel testimony and the
24 production of evidence in the same manner as authorized under paragraph (c)
25 of this subsection;
- 26 (e) Initiate, through civil actions for injunctive, declaratory, or other appropriate
27 relief, defend, or appeal any civil action in the name of the registry to enforce

- 1 the provisions of this chapter through its legal counsel;
- 2 (f) Render advisory opinions under KRS 121.135;
- 3 (g) Promulgate administrative regulations necessary to carry out the provisions of
- 4 this chapter;
- 5 (h) Conduct investigations and hearings expeditiously, to encourage voluntary
- 6 compliance, and report apparent campaign finance law violations to the
- 7 appropriate law enforcement authorities;
- 8 (i) Petition any court of competent jurisdiction to issue an order requiring
- 9 compliance with an order or subpoena issued by the registry. Any failure to
- 10 obey the order of the court may be punished by the court as contempt; and
- 11 (j) Conduct random audits of receipts and expenditures of committees which
- 12 have filed registration papers with the registry pursuant to KRS 121.170.
- 13 (2) No person shall be subject to civil liability to any person other than the registry or
- 14 the Commonwealth for disclosing information at the request of the registry.
- 15 (3) The registry may appoint a full-time executive director, legal counsel, and an
- 16 accountant for auditing purposes, all of whom shall serve at the pleasure of the
- 17 registry. The registry may also appoint such other employees as are necessary to
- 18 carry out the purposes of this chapter. All requests for personnel appointments shall
- 19 be forwarded by the registry directly to the secretary of the Personnel Cabinet and
- 20 shall be subject to the secretary's review and certification only.
- 21 (4) The registry shall adopt official forms and perform other duties necessary to
- 22 implement the provisions of this chapter. The registry shall not require the listing of
- 23 a person's Social Security number on any form developed by the registry. Without
- 24 limiting the generality of the foregoing, the registry shall:
- 25 (a) Develop prescribed forms for the making of the required reports;
- 26 (b) Prepare and publish a manual for all candidates, slates of candidates,
- 27 contributing organizations, and committees, describing the requirements of

- 1 the law, including uniform methods of bookkeeping and reporting,
2 requirements as to reporting dates, and the length of time that candidates,
3 slates of candidates, contributing organizations, and committees are required
4 to keep any records pursuant to the provisions of this chapter;
- 5 (c) Develop a filing, coding, and cross-indexing system;
- 6 (d) Make each report filed available for public inspection and copying during
7 regular office hours at the expense of any person requesting copies of them;
- 8 (e) Preserve all reports for at least six (6) years from the date of receipt. Duly
9 certified reports shall be admissible as evidence in any court in the
10 Commonwealth;
- 11 (f) Prepare and make available for public inspection a summary of all reports
12 grouped according to candidates, slates of candidates, committees,
13 contributing organizations, and parties containing the total receipts and
14 expenditures; and
- 15 1. For each contribution made by a permanent committee of any amount to
16 a candidate or slate of candidates, the date, name, and business address
17 of the permanent committee, the amount contributed, and a description
18 of the major business, social, or political interest represented by the
19 permanent committee; and
- 20 2. For each contribution in excess of two hundred dollars (\$200)~~one~~
21 ~~hundred dollars (\$100)~~ made to any candidate or campaign committee,
22 the date, name, address, occupation, and employer of each other
23 contributor or, if the contributor is self-employed, the name under which
24 the contributor is doing business, and the amount contributed by each
25 contributor, listed alphabetically;
- 26 (g) Prepare and publish an annual report with cumulative compilations named in
27 paragraph (f) of this subsection;

- 1 (h) Distribute upon request, for a nominal fee, copies of all summaries and
2 reports;
- 3 (i) Determine whether the required reports have been filed and if so, whether
4 they conform with the requirements of this chapter; give notice to delinquents
5 to correct or explain defections; issue an order, if appropriate, as provided in
6 KRS 121.140; and make public the fact that a violation has occurred and the
7 nature thereof;
- 8 (j) Conduct random audits of receipts and expenditures of candidates running for
9 city, county, urban-county government, charter county government,
10 consolidated local government, unified local government, and district offices.
11 When the registry audits the records of any selected candidate, it shall also
12 audit the records of all other candidates running for the same office in the
13 selected city, county, urban-county government, charter county government,
14 consolidated local government, unified local government, or district office;
- 15 (k) Conduct audits of receipts and expenditures of all candidates or slates of
16 candidates running for statewide office;
- 17 (l) Require that candidates and slates of candidates shall maintain their records
18 for a period of six (6) years from the date of the regular election in their
19 respective political races;
- 20 (m) Initiate investigations and make investigations with respect to reports upon
21 complaint by any person and initiate proceedings on its own motion; and
- 22 (n) Forward to the Attorney General or the appropriate Commonwealth's or
23 county attorney any violations of this chapter which may become the subject
24 of civil or criminal prosecution.
- 25 (5) All policy and enforcement decisions concerning the regulation of campaign
26 finance shall be the ultimate responsibility of the registry. No appointed or elected
27 state officeholder or any other person shall, directly or indirectly, attempt to secure

1 or create privileges, exemptions, or advantages for himself, herself, or others in
2 derogation of the public interest at large in a manner that seeks to leave any registry
3 member or employee charged with the enforcement of the campaign finance laws
4 no alternative but to comply with the wishes of the officeholder or person. Registry
5 members and employees shall be free of obligation or the appearance of obligation
6 to any interest other than the fair and efficient enforcement of the campaign finance
7 laws and administrative regulations. It shall not be considered a violation of this
8 subsection for an officeholder or other person to seek remedies in a court of law to
9 any policy or enforcement decision he or she considers to be an abridgement of his
10 or her legal rights.

- 11 (6) If adequate and appropriate agency funds are available, the registry shall:
- 12 (a) Develop or acquire a system for electronic reporting for use by individuals
13 and entities required to file campaign finance reports with the registry under
14 this chapter. The registry shall promulgate administrative regulations *in*
15 *accordance with*~~under~~ KRS Chapter 13A which provide for a
16 nonproprietary standardized format or formats, using industry standards, for
17 the transmission of data required under this chapter;
- 18 (b) Accept test files from software vendors and persons wishing to file reports
19 electronically for the purpose of determining whether the file format complies
20 with the nonproprietary standardized format developed under paragraph (a) of
21 this subsection and is compatible with the registry's system for receiving the
22 data;
- 23 (c) Make all reports filed with the registry pertaining to candidates for the
24 General Assembly and statewide office available on the internet free of
25 charge, in an easily understood format that allows the public to browse,
26 search, and download the data contained in the reports by each of the
27 reporting categories required by this chapter, including but not limited to:

- 1 1. The name of each candidate or committee;
- 2 2. The office sought by each candidate;
- 3 3. The name of each contributor;
- 4 4. The address of each contributor;
- 5 5. The employer or business occupation of each contributor, or if the
- 6 contributor is a permanent committee, a description of the major
- 7 business, social, or political interest represented by the permanent
- 8 committee;
- 9 6. The date of each contribution; and
- 10 7. The amount of each contribution;
- 11 (d) Make all data specified in paragraph (c) of this subsection available on the
- 12 Internet no later than ten (10) business days after its receipt by the registry. If
- 13 a contribution or expenditure report is filed late with the registry, that data
- 14 shall be made available on the internet within twenty-four (24) hours of the
- 15 registry's receipt of the data;
- 16 (e) Make filer-side software available free of charge to all individuals or entities
- 17 subject to the reporting requirements of this chapter;
- 18 (f) Establish a training program on the electronic reporting program and make it
- 19 available free of charge to all individuals and entities subject to the reporting
- 20 requirements of this chapter;
- 21 (g) Maintain all campaign finance data pertaining to legislative and statewide
- 22 candidates online~~[on-line]~~ for twenty (20) years after the date the report
- 23 containing the data is filed, and then archive the data in a secure format;
- 24 (h) Require candidates and slates of candidates running for statewide office, and
- 25 campaign committees of candidates and slates of candidates registered to run
- 26 for statewide office, beginning with elections scheduled in 2015, to
- 27 electronically report all campaign finance reports that must be submitted to

1 the registry under this chapter. If any statewide candidate, slate of candidates,
2 or campaign committee of a statewide candidate or slate of candidates submits
3 a campaign finance report in a nonelectronic format for an election scheduled
4 in 2015 or later, the registry shall require the statewide candidate, slate of
5 candidates, or campaign committee of the statewide candidate or slate of
6 candidates to resubmit the campaign finance report in an electronic format;

7 (i) Require all candidates, slates of candidates, committees, and contributing
8 organizations, beginning with the primary scheduled in 2020, and for each
9 subsequent election scheduled thereafter, to electronically report all campaign
10 finance reports required to be submitted to the registry under this chapter. If
11 any candidate, slate of candidates, committee, or contributing organization
12 submits a campaign finance report to the registry in a nonelectronic format for
13 an election or calendar period beginning in 2020 or later, the registry shall
14 require the candidate, slate of candidates, committee, or contributing
15 organization to resubmit the campaign finance report in an electronic format.
16 If any candidate, slate of candidates, committee, or contributing organization
17 does not submit the required campaign finance reports electronically by the
18 applicable filing deadline, the registry shall publish the candidate, slate of
19 candidates, committee, or contributing organization's name as a delinquent
20 filer until such time as the campaign finance report is properly filed in an
21 electronic format; and

22 (j) Require all independent expenditure reports to be submitted electronically
23 within forty-eight (48) hours of the date that the communication is publicly
24 distributed or otherwise publicly disseminated, beginning with the primary
25 scheduled in 2020, and for each subsequent election scheduled thereafter.

26 (7) In conjunction with the program of electronic reporting set out in subsection (6) of
27 this section, the registry shall deem an electronic report to be filed when submitted

1 by either of the following methods:

2 (a) Online Internet transmission; or

3 (b) Hand delivery of the electronic report, saved on a current and compatible
4 computer component, and downloaded at the registry.

5 ➔Section 42. KRS 121.140 is amended to read as follows:

6 (1) Upon the sworn complaint of any person, or on its own initiative, the registry shall
7 investigate alleged violations of campaign finance law. In conducting any
8 investigation, the registry shall have the power of subpoena and may compel
9 production of evidence including the financial records of any person determined by
10 the registry to be vital to the investigation. The records subject to subpoena include,
11 but are not limited to, a person's bank records and other relevant documents, but
12 excluding individual and business income tax records.

13 (2) If the registry concludes that there is probable cause to believe that the law has been
14 violated, the registry shall notify the alleged violator of its conclusions and the
15 evidence supporting them, and shall offer the alleged violator a conciliation
16 agreement to resolve the issue. A conciliation agreement may require the alleged
17 violator to comply with one (1) or more of the following:

18 (a) To cease and desist violations of the law;

19 (b) To file required reports or other documents or information;

20 (c) To pay a penalty not to exceed two hundred dollars (\$200) a day, up to a
21 maximum total fine of five thousand dollars (\$5,000), for failure to file any
22 report, payment of an administrative fee, or other document or information
23 required by law until the report, fee payment, document, or information is
24 filed; except that there shall be no maximum total fine for candidates for
25 statewide office; or

26 (d) To pay a penalty not to exceed five thousand dollars (\$5,000) per violation for
27 acts of noncompliance with provisions contained within this chapter.

1 (3) *A monetary penalty under subsection (2) of this section for failure to file any*
2 *report, payment of an administrative fee, or other documentation or information*
3 *required by law shall not begin to accrue or be assessed until five (5) business*
4 *days after the registry has provided notice of the delinquency to the candidate or*
5 *the campaign treasurer. If the violation is corrected within the five (5) business*
6 *days following the registry's notice, no penalty shall be assessed.*

7 (4) To accept a conciliation agreement, an alleged violator shall deliver the signed
8 agreement to the registry either in person or by mail postmarked not later than ten
9 (10) days after the day he received it. The registry may institute a civil action in
10 Franklin Circuit Court or the Circuit Court for the county of the violator's residence
11 to enforce the provisions of any conciliation agreement accepted by a violator who
12 is not complying with its provisions.

13 ~~(5)~~(4) If the alleged violator declines to accept the conciliation agreement or fails to
14 respond within the time allowed, the registry shall conduct an administrative
15 hearing. The provisions of KRS Chapter 13B shall apply to all registry
16 administrative hearings except for the provisions of KRS 13B.030(2)(b). A party
17 adversely affected by the registry's final order may appeal to Franklin Circuit Court
18 within thirty (30) days after the date of the registry's final order. The violator may
19 be ordered to comply with any one (1) or more of the following requirements:

- 20 (a) To cease and desist violation of this law;
- 21 (b) To file any reports or other documents or information required by this law;
- 22 (c) To pay a penalty not to exceed two hundred dollars (\$200) a day, up to a
23 maximum total fine of five thousand dollars (\$5,000), for failure to file any
24 report, payment of an administrative fee, or other document or information
25 required by law until the report, fee payment, document, or information is
26 filed; except that there shall be no maximum total fine for candidates for
27 statewide office; or

1 (d) To pay a penalty not to exceed five thousand dollars (\$5,000) per violation for
2 acts of noncompliance with provisions contained within this chapter. An
3 appeal of an order shall be advanced on the docket to permit a timely
4 decision.

5 ~~(6)~~~~(5)~~ If the registry concludes that there is probable cause to believe that the
6 campaign finance law has been violated knowingly, it shall refer the violation to the
7 Attorney General or the appropriate Commonwealth's or county attorney for
8 prosecution. The Attorney General may request the registry's attorney or the
9 appropriate county or Commonwealth's attorney to prosecute the matter and may
10 request from the registry all evidence collected in its investigation. In the event the
11 Attorney General or the appropriate local prosecutor fails to prosecute in a timely
12 fashion, the registry may petition the Circuit Court to appoint the registry's attorney
13 to prosecute, and upon a motion timely filed, for good cause shown, the court shall
14 enter an order to that effect. Prosecutions involving campaign finance law
15 violations, in which the reports are required to be filed in Frankfort, may be
16 conducted in Franklin Circuit Court or in the Circuit Court for the county in which
17 the contribution or expenditure constituting a campaign finance violation was
18 solicited, made, or accepted. The prosecution of a person who unlawfully solicits,
19 makes, or accepts a contribution or expenditure through the use of the mail may be
20 conducted in the Circuit Court for the county in which the solicitation is mailed, the
21 county in which the contribution is mailed or received, or the county in which the
22 expenditure is mailed.

23 ~~(7)~~~~(6)~~ If judicial review is sought of any action of the registry relating to a pending
24 election, the matter shall be advanced on the docket of the court. The court may
25 take any steps authorized by law to accelerate its procedures so as to permit a
26 timely decision.

27 ➔Section 43. KRS 121.150 is amended to read as follows:

1 (1) No contribution shall be made or received, directly or indirectly, other than an
2 independent expenditure, to support inauguration activities or to support or defeat a
3 candidate, slate of candidates, constitutional amendment, or public question which
4 will appear on the ballot in an election, except through the duly appointed campaign
5 manager, or campaign treasurer of the candidate, slate of candidates, or registered
6 committee. Any person making an independent expenditure, shall report these
7 expenditures when the expenditures by that person exceed five hundred dollars
8 (\$500) in the aggregate in any one (1) election, on a form provided or using a
9 format approved by the registry and shall sign a statement on the form, under
10 penalty of perjury, that the expenditure was an actual independent expenditure and
11 that there was no prior communication with the campaign on whose behalf it was
12 made.

13 (2) Except as provided in KRS 121.180(10), the solicitation from and contributions by
14 campaign committees, independent expenditure-only committees, caucus campaign
15 committees, political issues committees, permanent committees, and party
16 executive committees to any religious, charitable, civic, eleemosynary, or other
17 causes or organizations established primarily for the public good is expressly
18 prohibited; except that it shall not be construed as a violation of this section for:

19 (a) A candidate or a slate of candidates to contribute to religious, civic, or
20 charitable groups; or

21 (b) A state or county executive committee of a political party to contribute up to
22 one hundred dollars (\$100) per year to a nonprofit civic organization if the
23 organization promotes civic education, voter registration efforts, or patriotic
24 events.

25 (3) No candidate, slate of candidates, committee, or contributing organization, nor
26 anyone acting on their behalf, shall accept any anonymous contribution in excess of
27 two hundred dollars (\$200)~~one hundred dollars (\$100)~~, and all anonymous

1 contributions in excess of **two hundred dollars (\$200)**~~[one hundred dollars (\$100)]~~
2 shall be returned to the donor, if the donor can be determined. If no donor is found,
3 the contribution shall escheat to the state. No candidate, slate of candidates,
4 committee, or contributing organization, nor anyone acting on their behalf shall
5 accept anonymous contributions in excess of two thousand dollars (\$2,000) in the
6 aggregate in any one (1) election. Anonymous contributions in excess of two
7 thousand dollars (\$2,000) in the aggregate which are received in any one (1)
8 election shall escheat to the state.

9 (4) No candidate, slate of candidates, committee, or contributing organization, nor
10 anyone on their behalf, shall accept a cash contribution in excess of **two hundred**
11 **dollars (\$200)**~~[one hundred dollars (\$100)]~~ in the aggregate from each contributor
12 in any one (1) election. No candidate, slate of candidates, committee, or
13 contributing organization, nor anyone on their behalf, shall accept a cashier's check
14 or money order in excess of the maximum cash contribution limit unless the
15 instrument clearly identifies both the payor and the payee. A contribution made by
16 cashier's check or money order which identifies both the payor and payee shall be
17 treated as a contribution made by check for purposes of the contribution limits
18 contained in this section. No person shall make a cash contribution in excess of **two**
19 **hundred dollars (\$200)**~~[one hundred dollars (\$100)]~~ in the aggregate in any one (1)
20 election to a candidate, slate of candidates, committee, or contributing organization,
21 nor anyone on their behalf.

22 (5) No candidate, slate of candidates, committee, contributing organization, nor anyone
23 on their behalf, shall accept any contribution in excess of **two hundred dollars**
24 **(\$200)**~~[one hundred dollars (\$100)]~~ from any person who shall not become eighteen
25 (18) years of age on or before the day of the next general election.

26 (6) Except as provided in subsection (22) of this section, no candidate, slate of
27 candidates, campaign committee, nor anyone acting on their behalf, shall accept a

1 contribution *in an amount that is greater than the contribution limit applicable to*
 2 *federal candidates and principal campaign committees established by 52 U.S.C.*
 3 *sec. 30116(a)(1)(A), as indexed for inflation every odd-numbered year by the*
 4 *Federal Election Commission pursuant to 52 U.S.C. sec. 30116(c)*~~[of more than~~
 5 ~~two thousand dollars (\$2,000) as indexed for inflation every odd-numbered year~~
 6 ~~using the preceding year's percent increase in the non-seasonally adjusted annual~~
 7 ~~average Consumer Price Index for all Urban Consumers (CPI-U), U.S. City~~
 8 ~~Average, All Items, for that year as published by the United States Bureau of Labor~~
 9 ~~Statistics and rounded to the nearest hundred dollars], from any person, permanent~~
 10 ~~committee, or contributing organization in any one (1) election. No person,~~
 11 ~~permanent committee, or contributing organization shall contribute *an amount that*~~
 12 ~~*is greater than the contribution limit applicable to federal candidates and*~~
 13 ~~*principal campaign committees established by 52 U.S.C. sec. 30116(a)(1)(A), as*~~
 14 ~~*indexed for inflation every odd-numbered year by the Federal Election*~~
 15 ~~*Commission pursuant to 52 U.S.C. sec. 30116(c)*~~[more than two thousand dollars~~~~
 16 ~~(\$2,000) as indexed for inflation every odd-numbered year using the preceding~~
 17 ~~year's percent increase in the non-seasonally adjusted annual average Consumer~~
 18 ~~Price Index for all Urban Consumers (CPI-U), U.S. City Average, All Items, as~~
 19 ~~published by the United States Bureau of Labor Statistics and rounded to the~~
 20 ~~nearest hundred dollars], to any one (1) candidate, campaign committee, nor anyone~~
 21 ~~acting on their behalf, in any one (1) election.~~

22 (7) Permanent committees or contributing organizations affiliated by bylaw structure or
 23 by registration, as determined by the Registry of Election Finance, shall be
 24 considered as one (1) committee for purposes of applying the contribution limits of
 25 subsection (6) of this section.

26 (8) No permanent committee shall contribute funds to another permanent committee for
 27 the purpose of circumventing contribution limits of subsection (6) of this section. A

1 permanent committee or independent expenditure-only committee may make
2 unlimited contributions to an independent expenditure-only committee, or as
3 allowed by federal law to a federally registered political committee, provided that if
4 a contribution is earmarked for a particular independent expenditure, the person
5 making the independent expenditure shall disclose the contribution when reporting
6 the independent expenditure pursuant to subsection (1) of this section.

7 (9) No person shall contribute funds to a permanent committee, political issues
8 committee, or contributing organization for the purpose of circumventing the
9 contribution limits of subsection (6) of this section.

10 (10) No person shall contribute *an amount that is greater than the contribution limit*
11 *applicable to federal candidates and principal campaign committees established*
12 *by 52 U.S.C. sec. 30116(a)(1)(A), as indexed for inflation every odd-numbered*
13 *year by the Federal Election Commission pursuant to 52 U.S.C. sec.*
14 *30116(c)*~~more than two thousand dollars (\$2,000) as indexed for inflation every~~
15 ~~odd-numbered year using the preceding year's percent increase in the non-~~
16 ~~seasonally adjusted annual average Consumer Price Index for all Urban Consumers~~
17 ~~(CPI-U), U.S. City Average, All Items, for that year as published by the United~~
18 ~~States Bureau of Labor Statistics and rounded to the nearest hundred dollars], to a~~
19 permanent committee or contributing organization in any one (1) year.

20 (11) (a) No person shall contribute more than *ten thousand dollars (\$10,000)*~~five~~
21 ~~thousand dollars (\$5,000)]~~ to the state executive committee of a political party
22 in any one (1) year. The contribution limit in this paragraph shall not apply to
23 a contribution designated exclusively for a state executive committee's
24 building fund account established under KRS 121.172.

25 (b) No person shall contribute more than *ten thousand dollars (\$10,000)*~~five~~
26 ~~thousand dollars (\$5,000)]~~ to a subdivision or affiliate of a state political party
27 in any one (1) year.

- 1 (c) No person shall contribute more than ten thousand dollars (\$10,000)~~five~~
2 ~~thousand dollars (\$5,000)~~ to a caucus campaign committee in any one (1)
3 year.
- 4 (12) No person shall make a payment, distribution, loan, advance, deposit, or gift of
5 money to another person to contribute to a candidate, a slate of candidates,
6 committee, contributing organization, or anyone on their behalf. No candidate, slate
7 of candidates, committee, contributing organization, nor anyone on their behalf
8 shall accept a contribution made by one (1) person who has received a payment,
9 distribution, loan, advance, deposit, or gift of money from another person to
10 contribute to a candidate, a slate of candidates, committee, contributing
11 organization, or anyone on their behalf.
- 12 (13) Subject to the provisions of subsection (17) of this section, no candidate or slate of
13 candidates for nomination to any state, county, city, or district office, nor their
14 campaign committees, nor anyone on their behalf, shall solicit or accept
15 contributions for primary election expenses after the date of the primary. No person
16 other than the candidate or slate of candidates shall contribute for primary election
17 expenses after the date of the primary.
- 18 (14) Subject to the provisions of subsection (17) of this section, no candidate or slate of
19 candidates for any state, county, city, or district office at a regular election, nor their
20 campaign committees, nor anyone on their behalf, shall solicit or accept
21 contributions for regular election expenses after the date of the regular election. No
22 person other than the candidate or slate of candidates shall contribute for regular
23 election expenses after the date of the regular election.
- 24 (15) Subject to the provisions of subsection (17) of this section, no candidate or slate of
25 candidates for nomination or election to any state, county, city, or district office,
26 nor their campaign committees, nor anyone on their behalf, shall solicit or accept
27 contributions for special election expenses after the date of the special election. No

1 person other than the candidate or slate of candidates shall contribute for special
2 election expenses after the date of the special election.

3 (16) The provisions of subsections (13) and (14) of this section shall apply only to those
4 candidates in a primary or regular election which shall be conducted subsequent to
5 January 1, 1989. The provisions of subsection (15) of this section shall apply only
6 to those candidates or slates of candidates in a special election which shall be
7 conducted subsequent to January 1, 1993.

8 (17) A candidate, slate of candidates, or a campaign committee may solicit and accept
9 contributions after the date of a primary election, regular election, or special
10 election to defray necessary expenses that arise after the date of the election
11 associated with election contests, recounts, and recanvasses of a specific election,
12 complaints regarding alleged campaign finance violations that are filed with the
13 registry pertaining to a specific election, or other legal actions pertaining to a
14 specific election to which a candidate, slate of candidates, or campaign committee
15 is a party, and for repayment of debts and obligations owed by the campaign or
16 previous campaign for the same office. Reports of contributions received and
17 expenditures made after the date of the specific election shall be made in
18 accordance with KRS 121.180.

19 (18) No candidate, slate of candidates, committee, except a political issues committee,
20 independent expenditure-only committee, or contributing organization, nor anyone
21 on their behalf, shall knowingly accept a contribution from a corporation, directly
22 or indirectly, except to the extent that the contribution is designated to a state
23 executive committee's building fund account established under KRS 121.172.

24 (19) Nothing in this section shall be construed to restrict the ability of a corporation to
25 administer its permanent committee insofar as its actions can be deemed not to
26 influence an election as prohibited by KRS 121.025.

27 (20) No candidate, slate of candidates, or committee, nor anyone on their behalf, shall

1 solicit a contribution of money or services from a state employee, whether or not
2 the employee is covered by the classified service provisions of KRS Chapter 18A.
3 However, it shall not be a violation of this subsection for a state employee to
4 receive a solicitation directed to him as a registered voter in an identified precinct as
5 part of an overall plan to contact voters not identified as state employees.

6 (21) No candidate or slate of candidates for any office in this state shall accept a
7 contribution, including an in-kind contribution, which is made from funds in a
8 federal campaign account. No person shall make a contribution, including an in-
9 kind contribution, from funds in a federal campaign account to any candidate or
10 slate of candidates for any office in this state. **However, it shall not be a violation**
11 **of this subsection for a federal candidate to contribute to a party executive**
12 **committee if the amount of the contribution does not exceed the contribution**
13 **limit contained in subsection (11) of this section and the contribution is not**
14 **earmarked for a particular candidate or slate of candidates.**

15 (22) It shall be permissible for a married couple to make a contribution with one (1)
16 check that reflects the combined individual contribution limits of each individual
17 spouse per election, as set forth in subsection (6) of this section, for all elections in
18 a calendar year and the following shall be required to be written on the check:

- 19 (a) The signatures of both spouses on the signature line of the check; and
20 (b) The designation of each contribution amount and the election or elections to
21 which they apply shall be memorialized on the memo line of the check.

22 **(23) This section and any other provision of this chapter shall not be construed to**
23 **prohibit a qualified political party committee, including a state or county**
24 **executive committee, from endorsing, supporting, opposing, or making otherwise**
25 **lawful contributions or expenditures supporting or opposing a candidacy**
26 **designated as nonpartisan under state law. The endorsement, support, or**
27 **opposition by a political party committee shall not affect the nonpartisan status of**

1 *the office or the candidate.*

2 ➔Section 44. KRS 121.160 is amended to read as follows:

3 (1) Each candidate or slate of candidates shall, on a form prescribed and furnished by
4 the registry, designate a campaign treasurer to act as their agent at the time they file
5 as a candidate or slate of candidates, and until this requirement is met, the candidate
6 or slate of candidates shall be listed on the form as their own treasurer and
7 accountable as such. The candidate or slate of candidates may appoint themselves
8 or any registered voter in Kentucky as the campaign treasurer. The office with
9 which the candidate or slate of candidates is required to file shall immediately
10 forward to the registry a copy of the candidate's or slate's filing papers. The office
11 with which the candidate or slate of candidates files shall promptly notify the
12 registry when a candidate withdraws.

13 (2) The duties of a campaign treasurer shall be to:

14 (a) Designate a depository bank in which the primary campaign account shall be
15 maintained and deposit all contributions in that account;

16 (b) Keep detailed and exact accounts of:

17 1. Contributions of any amount made by a permanent committee, by name
18 and business address of the permanent committee, the date of the
19 contribution, the amount contributed, and a description of the major
20 business, social, or political interest represented by the permanent
21 committee; and

22 2. Contributions in excess of *two hundred dollars (\$200)*~~one hundred~~
23 ~~dollars (\$100)~~ made to any candidate, by name, address, age if under
24 legal voting age, date of the contribution, amount of the contribution,
25 and the employer and occupation of each other contributor. If the
26 contributor is self-employed, the name under which he *or she* is doing
27 business shall be listed. The occupation listed for the contributor shall be

1 specific. A general classification, such as "businessman," shall be
2 insufficient;

3 (c) Make or authorize all expenditures on behalf of a candidate or slate of
4 candidates. Any expenditure in excess of twenty-five dollars (\$25) shall be by
5 check and the treasurer's records shall disclose the name, address, and
6 occupation of every person or firm to whom made, and shall list the date and
7 amount of the expenditure and the treasurer shall keep a receipted bill for
8 each;

9 (d) Maintain all receipted bills and accounts required by this section for a period
10 of six (6) years from the date he files his last report under KRS
11 121.180(3)(b)1.; and

12 (e) Make no payment to any person not directly providing goods or services with
13 the intent to conceal payment to another.

14 (3) A candidate or slate of candidates may remove a campaign treasurer at any time.

15 (4) In case of the death, resignation, or removal of a campaign treasurer, the candidate
16 or slate of candidates shall within three (3) days after receiving notice thereof by
17 certified mail, appoint a successor and shall file his name and address with the
18 registry. The candidate, or slate shall be accountable as their own campaign
19 treasurer if they fail to meet this filing requirement.

20 (5) A person may serve as campaign treasurer for more than one (1) candidate or slate
21 of candidates, but all reports shall be made separately for each individual candidate
22 or slate.

23 (6) The candidate or slate of candidates may pay a campaign treasurer a salary for his
24 services which shall be considered a campaign expense and shall comply with the
25 reporting provisions of KRS 121.180 and administrative regulations promulgated
26 by the registry.

27 ➔Section 45. KRS 121.180 is amended to read as follows:

- 1 (1) (a) 1. Persons becoming a candidate as defined in KRS 121.015(8) or slate of
2 candidates as defined in KRS 121.015(9), or a political issues committee
3 as defined in KRS 121.015(3)(d), shall submit a form prescribed and
4 furnished by the registry indicating whether they intend to raise or spend
5 in excess of five thousand dollars (\$5,000) in any one (1) election, or
6 that contributions will not be accepted or expended in excess of five
7 thousand dollars (\$5,000) in any one (1) election. Candidates and slates
8 of candidates shall submit this form to the registry within five (5) days
9 of receiving contributions or making expenditures with a view to
10 bringing about his or her nomination or election to public office, or
11 within five (5) days of filing papers to run for public office, whichever is
12 sooner. Candidates and slates of candidates who advance to a regular
13 election following a primary shall submit this form to the registry within
14 five (5) days after the date of the primary. Political issues committees
15 shall submit the form to the registry within five (5) days of meeting the
16 definition of political issues committee in KRS 121.015(3)(d).
- 17 2. Each candidate, slate of candidates, or political issues committee
18 indicating that contributions will not be accepted or expended in excess
19 of five thousand dollars (\$5,000) in any one (1) election shall be exempt
20 from filing any campaign finance reports required by subsection (3) of
21 this section.
- 22 3. A separate form shall be required for each primary, regular, or special
23 election in which the candidate or slate of candidates participates or in
24 which the public question appears on the ballot. The form shall be
25 submitted by means of electronic filing with the registry.
- 26 4. Any person acting as a candidate or slate of candidates by receiving
27 contributions or making expenditures with a view to bringing about his

1 or her nomination or election to public office, or filing papers to run for
2 public office, or group of persons acting as a political issues committee,
3 who fails to file this form as required, or who fails to remedy a
4 deficiency within five (5) days, may be fined by the registry an amount
5 not to exceed two hundred dollars (\$200) per day, up to a maximum
6 total fine of five thousand dollars (\$5,000).

7 (b) For a primary, a candidate or slate of candidates shall file a request for
8 exemption not later than the deadline described in paragraph (a) of this
9 subsection for filing nomination papers and, except as provided in
10 subparagraph 2. of paragraph (c) of this subsection, shall be bound by its
11 terms unless it is rescinded in writing not later than thirty (30) days preceding
12 the primary. For a regular election, a candidate or slate of candidates shall file
13 or rescind in writing a request for exemption not later than sixty (60) days
14 preceding the regular election, except as provided in subparagraph 2. of
15 paragraph (c) of this subsection. For a special election, a candidate or slate of
16 candidates shall file a request for exemption not later than ten (10) days after
17 the candidate or slate of candidates is nominated for a special election and
18 shall be bound by its terms unless it is rescinded in writing not later than thirty
19 (30) days preceding the special election. A political issues committee chair
20 shall file a request for exemption when the committee registers with the
21 registry and shall be bound by its terms unless it is rescinded in writing not
22 later than thirty (30) days preceding the date the issue appears on the ballot.

23 (c) 1. A candidate or slate of candidates that revokes a request for exemption
24 in a timely manner shall file all reports required of a candidate intending
25 to raise or spend in excess of five thousand dollars (\$5,000) in an
26 election. To revoke the request for an exemption, the candidate or slate
27 of candidates shall file the appropriate form with the registry not later

1 than the deadline for filing a revocation.

2 2. A candidate or slate of candidates that is exempted from campaign
3 finance reporting requirements pursuant to paragraph (a) of this
4 subsection but who accepts contributions or makes expenditures in
5 excess of the exempted amount in an election, shall file all applicable
6 reports required for the remainder of that election, based upon the
7 amount of contributions or expenditures the candidate or slate of
8 candidates accepts or receives in that election.

9 (d) Any candidate or slate of candidates that is subject to a June or August filing
10 deadline and that intends to execute a request for exemption shall file the
11 appropriate request for exemption not later than the deadline described in
12 paragraph (a) of this subsection and, except as provided in subparagraph 2. of
13 paragraph (c) of this subsection, shall be bound by its terms unless it is
14 rescinded in writing not later than sixty (60) days preceding the regular
15 election. A candidate or slate of candidates that is covered by this paragraph
16 shall have the same reversion rights as those provided in subparagraph 1. of
17 paragraph (c) of this subsection.

18 (e) Any candidate or slate of candidates that will appear on the ballot in a regular
19 election that has signed a request for exemption for that election may exercise
20 the reversion rights provided in subparagraph 1. of paragraph (c) of this
21 subsection if a candidate or slate of candidates that is subject to a June or
22 August filing deadline subsequently files in opposition to the candidate or
23 slate of candidates. Except as provided in subparagraph 2. of paragraph (c) of
24 this subsection, a candidate or slate of candidates covered by this paragraph
25 shall comply with the deadline for rescission provided in subparagraph 1. of
26 paragraph (c) of this subsection.

27 (f) Except as provided in subparagraph 2. of paragraph (c) of this subsection, any

1 candidate or slate of candidates that has filed a request for exemption for a
2 regular election that later is opposed by a person who has filed a declaration
3 of intent to receive write-in votes may rescind the request for exemption and
4 exercise the reversion rights provided in subparagraph 1. of paragraph (c) of
5 this subsection.

6 (g) Any candidate or slate of candidates that has filed a request for exemption
7 may petition the registry to determine whether another person is campaigning
8 as a write-in candidate prior to having filed a declaration of intent to receive
9 write-in votes, and, if the registry determines upon a preponderance of the
10 evidence that a person who may later be a write-in candidate is conducting a
11 campaign, the candidate or slate of candidates, except as provided in
12 subparagraph 2. of paragraph (c) of this subsection, may petition the registry
13 to permit the candidate or slate of candidates to exercise the reversion rights
14 provided in subparagraph 1. of paragraph (c) of this subsection.

15 (h) If the opponent of a candidate or slate of candidates is replaced due to his or
16 her withdrawal because of death, disability, or disqualification, the candidate
17 or slate of candidates, except as provided in subparagraph 2. of paragraph (c)
18 of this subsection, may exercise the reversion rights provided in subparagraph
19 1. of paragraph (c) of this subsection not later than fifteen (15) days after the
20 party executive committee nominates a replacement for the withdrawn
21 candidate or slate of candidates.

22 (i) A person intending to be a write-in candidate for any office in a regular or
23 special election may execute a request for exemption under paragraph (a) of
24 this subsection and shall be bound by its terms unless it is rescinded in writing
25 not later than fifteen (15) days preceding the regular or special election. A
26 person intending to be a write-in candidate who revokes a request for
27 exemption in a timely manner shall file all reports required of a candidate

1 intending to raise or spend in excess of five thousand dollars (\$5,000) in an
2 election. Except as provided in subparagraph 2. of paragraph (c) of this
3 subsection, a person intending to be a write-in candidate who revokes a
4 request for exemption shall file the appropriate form with the registry.

5 (j) Except as provided in subparagraph 2. of paragraph (c) of this subsection, the
6 campaign committee of any candidate or slate of candidates that has filed a
7 request for exemption or a political issues committee whose chair has filed a
8 request for exemption shall be bound by its terms unless it is rescinded in a
9 timely manner.

10 (k) 1. Except as provided in subparagraph 2. of paragraph (c) of this
11 subsection, any candidate, slate of candidates, or political issues
12 committee that is exempt from filing campaign finance reports pursuant
13 to paragraph (a), (d), or (i) of this subsection that accepts contributions
14 or makes expenditures, or whose campaign treasurer accepts
15 contributions or makes expenditures, in excess of the applicable limit in
16 any one (1) election without rescinding the request for exemption in a
17 timely manner shall comply with all applicable reporting requirements
18 and, in lieu of other penalties prescribed by law, pay a fine of not less
19 than five hundred dollars (\$500).

20 2. Except as provided in subparagraph 2. of paragraph (c) of this
21 subsection, a candidate, slate of candidates, campaign committee, or
22 political issues committee that is exempt from filing campaign finance
23 reports pursuant to paragraph (a), (d), or (i) of this subsection that
24 knowingly accepts contributions or makes expenditures in excess of the
25 applicable spending limit in any one (1) election without rescinding the
26 request for exemption in a timely manner shall comply with all
27 applicable reporting requirements and shall be guilty of a Class D

- 1 felony.
- 2 (l) 1. Any candidate exempt from filing under this subsection for a primary
3 shall file a report described in subsection (4) of this section.
- 4 2. Any candidate exempt from filing under this subsection for a primary
5 who advances to the regular election shall file for an additional
6 exemption under this section for the regular election or the candidate
7 shall no longer be exempt from the filing requirements.
- 8 3. In the event a candidate exempt from filing under this subsection is no
9 longer eligible for the exemption, he or she shall immediately file for a
10 revocation of the exemption under paragraph (c) of this subsection.
- 11 (2) (a) State and county executive committees, and caucus campaign committees
12 shall make a full report, upon a prescribed form, to the registry, of all money,
13 loans, or other things of value, received from any source, and expenditures
14 authorized, incurred, or made, since the date of the last report, including:
- 15 1. For each contribution of any amount made by a permanent committee,
16 the name and business address of the permanent committee, the date of
17 the contribution, the amount contributed, and a description of the major
18 business, social, or political interest represented by the permanent
19 committee;
- 20 2. For other contributions in excess of two hundred dollars (\$200)~~one~~
21 ~~hundred dollars (\$100)~~, the full name, address, age if less than the legal
22 voting age, the date of the contribution, the amount of the contribution,
23 and the employer and occupation of each contributor. If the contributor
24 is self-employed, the name under which he or she is doing business shall
25 be listed;
- 26 3. The total amount of cash contributions received during the reporting
27 period; and

- 1 4. A complete statement of expenditures authorized, incurred, or made.
2 The complete statement of expenditures shall include the name and
3 address of each person to whom an expenditure is made in excess of
4 twenty-five dollars (\$25), and the amount, date, and purpose of each
5 expenditure.
- 6 (b) In addition to the reporting requirements in paragraph (a) of this subsection,
7 the state executive committee of a political party that has established a
8 building fund account under KRS 121.172 shall make a full report, upon a
9 prescribed form, to the registry, of all contributions received from any source,
10 and expenditures authorized, incurred, or made, since the date of the last
11 report for the separate building fund account, including:
- 12 1. For each contribution of any amount made by a corporation, the name
13 and business address of the corporation, the date of the contribution, the
14 amount contributed, and a description of the major business conducted
15 by the corporation;
- 16 2. For other contributions in excess of two hundred dollars (\$200)~~one~~
17 ~~hundred dollars (\$100)~~, the full name and address of the contributor,
18 the date of the contribution, the amount of the contribution, and the
19 employer and occupation of each contributor. If the contributor is self-
20 employed, the name under which he or she is doing business shall be
21 listed;
- 22 3. The total amount of cash contributions received during the reporting
23 period; and
- 24 4. A complete statement of expenditures authorized, incurred, or made.
25 The complete statement of expenditures shall include the name and
26 address of each person to whom an expenditure is made in excess of
27 twenty-five dollars (\$25), and the amount, date, and purpose of each

1 expenditure.

- 2 (c) The report required by paragraph (a) of this subsection shall be made on a
3 semiannual basis if the committee has more than ten thousand dollars
4 (\$10,000) in its campaign fund account, and shall be received by the registry
5 by January 31 and by July 31. The January report shall cover the period from
6 July 1 to December 31. The July report shall cover the period from January 1
7 to June 30. If the committee has less than ten thousand dollars (\$10,000) in its
8 campaign fund account the report required by paragraph (a) of this subsection
9 shall be made on an annual basis, and shall be received by the registry by
10 January 31. If an individual gives a reportable contribution to a caucus
11 campaign committee or to a state or county executive committee with the
12 intention that the contribution or a portion of the contribution go to a
13 candidate or slate of candidates, the name of the contributor and the sum shall
14 be indicated on the committee report. The report required by paragraph (b) of
15 this subsection relating to a state executive committee's building fund account
16 shall be received by the registry within seven (7)~~two (2)~~ business days after
17 the close of each calendar quarter. The receipts and expenditures of funds
18 remitted to each political party under KRS 141.071 to 141.073 shall be
19 separately accounted for and reported to the registry in the manner required by
20 KRS 121.230. The separate report may be made a separate section within the
21 report required by this subsection to be received by the registry by January 31.
- 22 (3) (a) Except for candidates or slates of candidates, campaign committees, or
23 political issues committees exempted from reporting requirements pursuant to
24 subsection (1) of this section, each campaign treasurer of a candidate, slate of
25 candidates, campaign committee, or political issues committee who accepts
26 contributions or expends, expects to accept contributions or expend, or
27 contracts to expend more than five thousand dollars (\$5,000) in any one (1)

1 election, and each fundraiser who secures contributions in excess of five
2 thousand dollars (\$5,000) in any one (1) election, shall make a full report to
3 the registry, on a form provided or using a format approved by the registry, of
4 all money, loans, or other things of value, received from any source, and
5 expenditures authorized, incurred, and made, since the date of the last report,
6 including:

- 7 1. For each contribution of any amount made by a permanent committee,
8 the name and business address of the permanent committee, the date of
9 the contribution, the amount contributed, and a description of the major
10 business, social, or political interest represented by the permanent
11 committee;
- 12 2. For each contribution in excess of two hundred dollars (\$200)~~one~~
13 ~~hundred dollars (\$100)~~ made to any candidate or campaign committee
14 or a political issues committee, the full name, address, age if less than
15 the legal voting age, the date of the contribution, the amount of the
16 contribution, and the employer and occupation of each other contributor.
17 If the contributor is self-employed, the name under which he or she is
18 doing business shall be listed;
- 19 3. The total amount of cash contributions received during the reporting
20 period; and
- 21 4. A complete statement of all expenditures authorized, incurred, or made.
22 The complete statement of expenditures shall include the name, address,
23 and occupation of each person to whom an expenditure is made in
24 excess of twenty-five dollars (\$25), and the amount, date, and purpose
25 of each expenditure.

- 26 (b) Reports of all candidates, slates of candidates, campaign committees,
27 independent expenditure-only committees, political issues committees, and

1 registered fundraisers shall be made as follows:

- 2 1. a. Candidates seeking statewide office, slates of candidates,
3 campaign committees for candidates seeking statewide office and
4 for slates of candidates, independent expenditure-only committees,
5 political issues committees, and fundraisers which file the form
6 described in subsection (1)(a) of this section before the year of an
7 election in which the candidate, a slate of candidates, or public
8 question shall appear on the ballot, shall file financial reports with
9 the registry at the end of the first calendar quarter after persons
10 become statewide candidates or slates of candidates, or following
11 registration of the committee or fundraiser, and each calendar
12 quarter thereafter, ending with the last calendar quarter of that
13 year. The provisions of this subparagraph shall be retroactive to
14 January 1, 2021;
- 15 b. All other candidates and campaign committees shall file annual
16 financial reports to be received by the registry on or before
17 December 1 for each year that a candidate is not yet on the ballot
18 but has filed a form as described in subsection (1)(a) of this
19 section with the registry for a future-year election; and
- 20 c. Candidates, slate of candidates, or committees shall make all
21 reports required by subparagraphs 2. to 5. of this paragraph during
22 the year in which the election takes place;
- 23 2. All candidates, slates of candidates, campaign committees, independent
24 expenditure-only committees, political issues committees, and registered
25 fundraisers shall make reports on the sixtieth day preceding a regular
26 election, including all previous contributions and expenditures;
- 27 3. All candidates, slates of candidates, campaign committees, independent

- 1 expenditure-only committees, political issues committees, and registered
2 fundraisers shall make reports on the thirtieth day preceding an election,
3 including all previous contributions and expenditures;
- 4 4. All candidates, slates of candidates, campaign committees, independent
5 expenditure-only committees, political issues committees, and registered
6 fundraisers shall make reports on the fifteenth day preceding the date of
7 the election; and
- 8 5. All reports to the registry shall cover campaign activity during the entire
9 reporting period and must be received by the registry within seven
10 ~~(7) [two (2)]~~ business days after the date the reporting period ends to be
11 deemed timely filed.
- 12 (4) All candidates, regardless of funds received or expended, campaign committees,
13 independent expenditure-only committees, political issues committees, and
14 registered fundraisers shall make post-election reports within thirty (30) days after
15 the election. All post-election reports to the registry shall cover campaign activity
16 during the entire reporting period and must be received by the registry within seven
17 ~~(7) [two (2)]~~ business days after the date the reporting period ends to be deemed
18 timely filed. For candidates, slates of candidates, and political issues committees
19 otherwise exempt under subsection (1)(a) of this section, the reporting period
20 begins the day the request for exemption is filed with the registry and continues
21 through the thirtieth day after the election.
- 22 (5) In making the preceding reports, the total gross receipts from each of the following
23 categories shall be listed: proceeds from the sale of tickets for events such as
24 testimonial affairs, dinners, luncheons, rallies, and similar fundraising events, mass
25 collections made at the events, and sales of items such as campaign pins, buttons,
26 hats, ties, literature, and similar materials. When any individual purchase or the
27 aggregate purchases of any item enumerated above from a candidate or slate of

1 candidates for a statewide-elected state office or a campaign committee for a
2 candidate or slate of candidates for a statewide-elected state office exceeds **two**
3 **hundred dollars (\$200)**~~one hundred dollars (\$100)~~, the purchaser shall be
4 identified by name, address, age, if less than the legal voting age, occupation, and
5 employer or, if the purchaser is self-employed, the name under which he or she is
6 doing business, and the amount of the purchase. When any individual purchase or
7 the aggregate purchases of any item enumerated above from any candidate or
8 campaign committee other than a candidate or slate of candidates for a statewide-
9 elected state office or campaign committee for a candidate or slate of candidates for
10 a statewide-elected state office exceeds **two hundred dollars (\$200)**~~one hundred~~
11 ~~dollars (\$100)~~, the purchaser shall be identified by name, address, age if less than
12 the legal voting age, occupation, and employer or, if the purchaser is self-employed,
13 the name under which he or she is doing business, and the amount of the purchase.
14 The lists shall be maintained by the campaign treasurer, political issues committee
15 treasurer, registered fundraiser, or other sponsor for inspection by the registry for
16 six (6) years following the date of the election.

17 (6) Each permanent committee, except a federally registered political committee as
18 defined in 52 U.S.C. sec. 30101(4)(a), inaugural committee, or contributing
19 organization shall make a full report to the registry, on a form provided or using a
20 format approved by the registry, of all money, loans, or other things of value,
21 received by it from any source, and all expenditures authorized, incurred, or made,
22 since the date of the last report, including:

23 (a) For each contribution of any amount made by a permanent committee, the
24 name and business address of the permanent committee, the date of the
25 contribution, the amount contributed, and a description of the major business,
26 social, or political interest represented by the permanent committee;

27 (b) For other contributions in excess of **two hundred dollars (\$200)**~~one hundred~~

- 1 ~~dollars (\$100)~~, the full name, address, age if under the legal voting age, the
2 date of the contribution, the amount of the contribution, and the employer and
3 occupation of each contributor. If the contributor is self-employed, the name
4 under which he or she is doing business shall be listed;
- 5 (c) An aggregate amount of cash contributions, the amount contributed by each
6 contributor, and the date of each contribution; and
- 7 (d) A complete statement of all expenditures authorized, incurred, or made,
8 including independent expenditures. This report shall be made by a permanent
9 committee, inaugural committee, or contributing organization to the registry
10 on the last day of the first calendar quarter following the registration of the
11 committee with the registry and on the last day of each succeeding calendar
12 quarter until such time as the committee terminates. A contributing
13 organization shall file a report of contributions received and expenditures on a
14 form provided or using a format approved by the registry not later than the
15 last day of each calendar quarter in which contributions are received or
16 expenditures are made. All reports to the registry shall be received on or
17 before each filing deadline, and any report received by the registry within
18 seven (7)~~two (2)~~ business days after each filing deadline shall be deemed
19 timely filed.
- 20 (7) If the final statement of a candidate, campaign committee, independent expenditure-
21 only committee, or political issues committee shows an unexpended balance of
22 contributions, continuing debts and obligations, or an expenditure deficit, the
23 campaign treasurer shall file with the registry a supplemental statement of
24 contributions and expenditures not more than thirty (30) days after the deadline for
25 filing the final statement. Subsequent supplemental statements shall be filed
26 annually, to be received by the registry by December 1 of each year, until the
27 account shows no unexpended balance, continuing debts and obligations,

1 expenditures, or deficit. All post-election reports to the registry shall cover
2 campaign activity during the entire reporting period and must be received by the
3 registry within seven (7)~~two (2)~~ business days after the date the reporting period
4 ends to be deemed timely filed. All contributions shall be subject to KRS 121.150
5 as of the date of the election in which the candidate appeared on the ballot.

6 (8) All reports filed under the provisions of this chapter shall be a matter of public
7 record open to inspection by any member of the public immediately upon receipt of
8 the report by the registry.

9 (9) A candidate or slate of candidates is relieved of the duty personally to file reports
10 and keep records of receipts and expenditures if the candidate or slate states in
11 writing or on forms provided by the registry that:

12 (a) Within five (5) business days after personally receiving any contributions, the
13 candidate or slate of candidates shall surrender possession of the contributions
14 to the treasurer of their campaign committee without expending any of the
15 proceeds thereof. No contributions shall be commingled with the candidate's
16 or slated candidates' personal funds or accounts. Contributions received by
17 check, money order, or other written instrument shall be endorsed directly to
18 the campaign committee and shall not be cashed or redeemed by the
19 candidate;

20 (b) The candidate or slate of candidates shall not make any unreimbursed
21 expenditure for the campaign, except that this paragraph does not preclude a
22 candidate or slate from making an expenditure from personal funds to the
23 designated campaign committee, which shall be reported by the committee as
24 a contribution received; and

25 (c) The waiver shall continue in effect as long as the candidate or slate of
26 candidates complies with the conditions under which it was granted.

27 (10) (a) No candidate, slate of candidates, campaign committee, independent

1 expenditure-only committee, political issues committee, or contributing
2 organization shall use or permit the use of contributions or funds solicited or
3 received for the person or in support of or opposition to a public issue which
4 will appear on the ballot to:

- 5 1. Further the candidacy of the person for a different public office, except
6 that any member of the General Assembly who has a remaining
7 balance in his or her campaign account may elect to transfer those
8 funds to a campaign account to seek election to statewide
9 constitutional office;
- 10 2. Support or oppose a different public issue; or
- 11 3. Further the candidacy of any other person for public office.

12 (b) Nothing in this subsection shall be deemed to prohibit a candidate or slate of
13 candidates from using funds in a campaign account to contribute directly to
14 another candidate or slate of candidates for state or federal office, or to
15 purchase admission tickets for any fundraising event or testimonial affair for
16 another candidate or slate of candidates for state or federal office, if the
17 amount of the purchase or contribution does not exceed the individual
18 contribution limit contained in KRS 121.150(6) or 52 U.S.C. sec. 30116 in
19 any one (1) election.

20 (c) Any funds or contributions solicited or received by or on behalf of a
21 candidate, slate of candidates, or any committee, which has been organized in
22 whole or in part to further any candidacy for the same person or to support or
23 oppose the same public issue, shall be deemed to have been solicited or
24 received for the current candidacy or for the election on the public issue if the
25 funds or contributions are solicited or received at any time prior to the regular
26 election for which the candidate, slate of candidates, or public issue is on the
27 ballot.

- 1 (d) Any unexpended balance of funds not otherwise obligated for the payment of
2 expenses incurred to further a political issue or the candidacy of a person
3 shall, in whole or in part, at the election of the candidate or committee:
- 4 1. Escheat to the State Treasury;
 - 5 2. Be returned pro rata to all contributors;
 - 6 3. In the case of a partisan candidate, be transferred to:
 - 7 a. A caucus campaign committee; or
 - 8 b. The state or county executive committee of the political party of
9 which the candidate is a member;
 - 10 4. Be retained to further the same public issue or to seek election to the
11 same office, except that any member of the General Assembly who has
12 a remaining balance in his or her campaign account may elect to
13 transfer those funds to a campaign account to seek election to
14 statewide constitutional office; or
 - 15 5. Be donated to any charitable, nonprofit, or educational institution
16 recognized under Section 501(c)(3) of the United States Internal
17 Revenue Code of 1986, as amended, and any successor thereto, from
18 which the candidate or committee receives no financial benefit.
- 19 (11) If adequate and appropriate agency funds are available to implement this
20 subsection, electronic reporting shall be made available by the registry to all
21 candidates, slates of candidates, committees, contributing organizations, registered
22 fundraisers, and persons making independent expenditures. The electronic report
23 submitted to the registry shall be the official campaign finance report for audit and
24 other legal purposes, whether mandated or filed by choice.
- 25 (12) The date that an electronic or online~~on-line~~ report shall be deemed to have been
26 filed with the registry shall be the date on which it is received by the registry.
- 27 (13) All electronic or online filers shall affirm, under penalty of perjury, that the report

1 filed with the registry is complete and accurate.

2 (14) Filers who submit electronic campaign finance reports which are not readable, or
3 cannot be copied shall be deemed to not be in compliance with the requirements set
4 forth in this section.

5 (15) Beginning with the primary scheduled in calendar year 2020, and for each
6 subsequent election scheduled thereafter, reports required to be submitted to the
7 registry involving candidates, slates of candidates, committees, contributing
8 organizations, and independent expenditures shall be reported electronically.

9 (16) (a) On each form that the registry supplies for the reports required under
10 subsections (2), (3), and (6) of this section, the registry shall include an entry
11 reading, "No change since last report."

12 (b) If a person or entity that is required to report under subsection (2), (3), or (6)
13 of this section has received no money, loans, or other things of value from any
14 source since the date of its last report and has not authorized, incurred, or
15 made any expenditures since that date, the person or entity may check or
16 otherwise designate the entry that reads, "No change since last report." A
17 person or entity designating this entry in a report shall state the balance
18 carried forward from the last report but need not specify receipts or
19 expenditures in further detail.

20 ➔Section 46. KRS 121.190 is amended to read as follows:

21 (1) All newspaper or magazine advertising, posters, circulars, billboards, handbills,
22 sample ballots, digital media, and paid-for television or radio announcements, or
23 any other type of general public political advertising, which expressly advocate the
24 election or defeat of a clearly identified candidate, slate of candidates, or group of
25 candidates for nomination or election to any public office, or expressly advocate or
26 oppose a ballot measure, shall be identified by the words "paid for by" followed by
27 the name and address of the individual or committee which paid for the

1 communication; except that if paid for by a candidate, slate of candidates, or
2 campaign committee, it shall be identified only by the words "paid for by" followed
3 by the name of the candidate, slate of candidates, or campaign committee,
4 whichever is applicable. For television and radio broadcasts, compliance with
5 Federal Communications Commission regulations regarding sponsored programs
6 and broadcasts by candidates for public office shall be considered compliance with
7 this section.

8 (2) The disclaimer described in subsection (1) of this section shall appear and be
9 presented in a clear and conspicuous manner to give the reader or observer adequate
10 notice of the identity of the purchaser of the communication. A disclaimer does not
11 comply with this section if the disclaimer is difficult to read or if the placement of
12 the disclaimer is easily overlooked.

13 (3) The provisions of subsection (1) of this section shall not apply to:

14 (a) Any news articles, editorial endorsements, opinion, or commentary writings,
15 or letter to the editor printed in a newspaper, magazine, flyer, pamphlet, or
16 other periodical not owned or controlled by a candidate or committee;

17 (b) Any editorial endorsements or opinions aired by a broadcast facility not
18 owned or controlled by a candidate or committee;

19 (c) Any communication by a person made in the regular course and scope of the
20 person's business or any communication made by a membership organization
21 solely to members of the organization and the members' families; and

22 (d) Any communication that refers to any candidate only as part of the popular
23 name of a bill or statute.

24 (4) (a) A person shall not use, cause or permit to be used, or continue to use any
25 published, distributed, or broadcast political advertising containing express
26 advocacy that the person knows does not include the disclosure required by
27 subsection (1) of this section. A person is presumed to know that the use of

1 political advertising is prohibited by this subsection if the registry notifies the
2 person in writing that the use is prohibited.

3 (b) A person who learns that political advertising signs that have been distributed
4 do not include the disclosure required by subsection (1) of this section or
5 include a disclosure that does not comply with subsection (1) of this section
6 does not commit a violation of this subsection if the person makes a good-
7 faith attempt to remove or correct those signs within forty-eight (48) hours
8 and provides the registry with proof of correction.

9 (5) The management of newspapers and magazines shall keep a one (1) year record of
10 all statements, articles, or advertisements referred to in subsection (1) of this
11 section, that appear in their publications, however, nothing in subsection (1) of this
12 section shall be construed to require editors or editorial writers of newspapers and
13 magazines to identify themselves in the manner therein required with any article or
14 editorial written by them as part of their duties as an employee or employer.

15 ➔Section 47. KRS 121.220 is amended to read as follows:

16 (1) Each candidate, slate of candidates, and each committee shall, before receiving any
17 contributions or expending any money, designate one (1) primary campaign
18 depository for the purpose of depositing all contributions received and disbursing
19 all expenditures made by the candidate, slate of candidates, or committee. The
20 candidate, slate of candidates, or committee may also designate one (1) secondary
21 depository in each county in which an election is held and in which the candidate,
22 slate of candidates, or committee participates. Deputy campaign treasurers may
23 make expenditures from secondary depositories but only from moneys which first
24 have been deposited in the primary campaign depository. Only a financial
25 institution authorized to transact business in Kentucky may be designated as a
26 campaign depository. The candidate, slate of candidates, or committee shall file the
27 name and address of each primary and secondary depository so designated at the

1 same time the candidate, slate of candidates, or committee files the name of his,
2 her, or its campaign treasurer.

3 (2) All funds received by the campaign treasurer or any deputy campaign treasurer of
4 any candidate, slate of candidates, or committee shall be deposited in a campaign
5 depository in an account designated "Campaign Fund of (name of candidate or
6 committee)." For each deposit, the campaign treasurer or deputy campaign treasurer
7 shall retain a statement showing the name and business address of the permanent
8 committee, the amount contributed, and a description of the major business, social,
9 or political interest represented by the permanent committee for each contribution
10 of any amount made by a permanent committee, and the full name, address,
11 employer of each other contributor or, if the contributor is self-employed, the name
12 under which he or she is doing business, and occupation of each contributor of
13 more than two hundred dollars (\$200)~~one hundred dollars (\$100)~~ and the amount
14 contributed. Cash contributions shall be accompanied by the same receipt form.

15 ➔Section 48. KRS 117.228 is amended to read as follows:

16 (1) ~~Except as provided in subsection (4) of this section,~~ On the day of a primary, an
17 election, or during in-person absentee voting, if a voter is unable to provide proof of
18 identification as required under KRS 117.225, and as defined under KRS 117.001, a
19 voter may cast a ballot if the individual:

- 20 (a) Is eligible to vote under KRS 116.025;
- 21 (b) Is entitled to vote in that precinct; and
- 22 (c) In the presence of the election officer, executes a voter's affirmation, on a
23 form prescribed and furnished by the State Board of Elections pursuant to
24 administrative regulations promulgated under KRS Chapter 13A, affirming:
- 25 1. The voter is a citizen of the United States;
- 26 2. The voter's date of birth to the best of the voter's knowledge and belief;
- 27 3. The voter is qualified to vote in this precinct under KRS 116.025;

- 1 4. The voter's name, and that the voter is generally known by that name, or
- 2 the name is as stated on his or her voter registration card;
- 3 5. The voter has not voted and will not vote in any other precinct;
- 4 6. The voter's current residential address, including the street address
- 5 number and, if different from the voter's current address, the voter's
- 6 residential address prior to the close of the registration books under KRS
- 7 116.045, and the date the voter moved;
- 8 7. The voter understands that making a false statement on the affirmation
- 9 is punishable under penalties of perjury; and
- 10 8. The voter has one (1) of the following impediments to procure proof of
- 11 identification as defined in KRS 117.001:
- 12 a. Lack of transportation;
- 13 b. Inability to obtain his or her birth certificate or other documents
- 14 needed to show proof of identification;
- 15 c. Work schedule;
- 16 d. Lost or stolen identification;
- 17 e. Disability or illness;
- 18 f. Family responsibilities;
- 19 g. The proof of identification has been applied for, but not yet
- 20 received; or
- 21 h. The voter has a religious objection to being photographed.
- 22 (2) In addition to the requirements of subsection (1) of this section, to cast a ballot, the
- 23 voter who is unable to provide proof of identification shall provide to an election
- 24 officer:
- 25 (a) ~~the voter's Social Security card;~~
- 26 ~~(b)~~—]Any identification card issued by a county in this state which has the name of
- 27 the voter stated and has been approved in writing by the State Board of

1 Elections pursuant to administrative regulations promulgated under KRS
2 Chapter 13A; or

3 ~~(b)~~~~(c)~~ Any identification card with the voter's photograph and the name of the
4 voter stated~~;~~ ~~or~~

5 ~~(d) Any food stamp identification card, electronic benefit transfer card, or~~
6 ~~supplemental nutrition assistance card, that is issued by this state and has the~~
7 ~~name of the voter stated].~~

8 (3) After the election officer obtains the affirmation from the voter required by
9 subsection (1) of this section, and after the voter provides the documents under
10 subsection (2) of this section, the voter shall sign the precinct signature roster and
11 shall proceed to cast his or her vote in a ballot completion area.

12 ~~(4) If the voter is personally known to the election officer, the election officer may~~
13 ~~execute an election officer affirmation, on a form prescribed and furnished by the~~
14 ~~State Board of Elections pursuant to administrative regulations promulgated under~~
15 ~~KRS Chapter 13A, affirming the voter's identification as being personally known to~~
16 ~~him or her. Once the affirmation is executed by the election officer, the voter shall~~
17 ~~sign the precinct signature roster and shall proceed to cast his or her vote in a ballot~~
18 ~~completion area. For purposes of this subsection, "personally known" means that~~
19 ~~the election officer knows the voter's name and that the voter is a resident of the~~
20 ~~community.~~

21 ~~(5) The voter affirmation[and the election officer affirmations] executed under this~~
22 ~~section shall be processed in the same manner as an oath of voter affidavit as~~
23 ~~prescribed by KRS 117.245(3) and (4).~~

24 ➔Section 49. KRS 116.114 is amended to read as follows:

25 (1) The Secretary of State, in cooperation with the State Board of Elections, shall issue
26 and present a comprehensive activity report regarding voter registration records
27 cleanup activities on or before July 1 of each year to the Legislative Research

1 Commission for referral to the Interim Joint~~[appropriate]~~ Committee on State
2 Government. The Secretary of State and the State Board of Elections shall also
3 make the report available to the public on their respective official websites. The
4 activity report shall include:

- 5 (a) Any activities to resolve reported anomalies per address, such as a high
6 number of people living at a single-family home address, voters registered at a
7 commercial location, or voters registered at an address that is a vacant lot;
- 8 (b) Any activities to resolve incidents of multiple people registered at the same
9 address with the same age that have minor variations in the spelling of the
10 name and the status of the resolution of those duplicates;
- 11 (c) The number of voter eligibility changes, which shall include relocation out of
12 state, death, incarceration, expungement, and citizenship status changes; and
- 13 (d) Any use of a national voter registration clearinghouse system or interstate
14 agreement to remove inaccurate or fraudulent registrations and the cost of
15 those agreements. No agreement or contract shall be entered into after April 1,
16 2025, that obligates the state to make any expenditures or efforts to register
17 unregistered persons, but agreements for the~~[sole]~~ purpose of exchanging
18 data to remove ineligible voters are expressly permitted.

19 (2) (a) The State Board of Elections shall create a data-based report on or before July
20 1 of each year, containing every address in each county that lists a registered
21 voter and the number of active and inactive voters registered at that address.
22 Any personal identifying information shall be redacted, and any persons
23 residing at those addresses shall not be contacted about their registration
24 except by mail.

- 25 (b) Citizens of each county shall have in-person access to the report at the county
26 clerk's office, as well as online access via the Secretary of State's and State
27 Board of Elections' official websites. Any discrepancies may be reported via

1 the publicly available link on the Secretary of State's and State Board of
2 Elections' official websites.

3 (c) The Secretary of State and State Board of Elections shall provide a publicly
4 available link on their respective official websites for citizens to report
5 anomalies or discrepancies, and also a secure electronic form to allow a voter
6 currently on the registered voter rolls erroneously to voluntarily cancel his or
7 her voter registration in Kentucky.

8 ➔Section 50. The following KRS section is repealed:

9 118.551 Definition of political party.

10 ➔Section 51. Section 30 of this Act takes effect January 1, 2028.

11 ➔Section 52. Whereas it is critically important to protect the integrity and
12 reliability of the electoral process in order to safeguard the fundamental right to vote, and
13 it is a reasonable legislative task to seek improvement and modernization of campaign
14 finance and election procedures without undue delay in notice to the people of the
15 Commonwealth and its election officials tasked with administering the election laws
16 within this state, an emergency is declared to exist, and Sections 1 to 27, 32, 33, 49, and
17 50 of this Act take effect upon its passage and approval by the Governor or upon its
18 otherwise becoming a law.