

118A.060 Petition for nomination -- Examination of petition -- Form and order of names on ballot -- Secretary of State's duties -- Ballot position unalterable -- Certification of nomination.

- (1) Except as provided in KRS 118A.100, no person's name shall appear on a ballot label or absentee ballot for an office of the Court of Justice without first having been nominated as provided in this section.
- (2) Each candidate for nomination shall file a petition for nomination with the Secretary of State not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the last Tuesday in January preceding the day fixed by law for holding the primary election for the office. The petition shall be sworn to before an officer authorized to administer an oath by the candidate and by not less than two (2) registered voters from the district or circuit from which he or she seeks nomination. Signatures for nomination papers shall not be affixed on the document to be filed prior to the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot. The petition shall be filed no later than 4 p.m. local time at the place of filing when filed on the last date on which the papers are permitted to be filed.
- (3) The petition for nomination shall be in the form prescribed by the State Board of Elections. The petition shall include a declaration sworn to by the candidate, that he or she possesses all the constitutional and statutory requirements of the office for which the candidate has filed. Titles, ranks, or spurious phrases shall not be accepted on the petition and shall not be printed on the ballots as part of the candidate's name; however, nicknames, initials, and contractions of given names may be acceptable as the candidate's name.
- (4) The Secretary of State shall examine the petition of each candidate to determine whether it is regular on its face. If there is an error, the Secretary of State shall notify the candidate by certified mail within twenty-four (24) hours of filing. The order of names on the ballot for each district or circuit, and numbered division thereof if divisions exist, shall be determined by lot at a public drawing to be held in the office of the Secretary of State at 2 p.m., standard time, on the Thursday following the last Tuesday in January preceding the primary election.
- (5) Not later than the date set forth in KRS 118.215(1)(a) preceding the primary election, and after the order of names on the ballot has been determined as required in subsection (4) of this section, the Secretary of State shall:
 - (a) Certify to the county clerks of the respective counties entitled to participate in the election of the various candidates, the name and place of residence of each candidate for each office, by district or circuit, and numbered division thereof if divisions exist, as specified in the petitions for nomination filed with him; and
 - (b) Designate for the county clerks the office of the Court of Justice with which the names of candidates shall be printed and the order in which they are to appear on the ballot.

- (6) The ballot position of a candidate shall not be changed after the ballot position has been designated by the Secretary of State.
- (7) The county clerks of each county shall cause to be printed on the ballot labels for the voting machines and on the special ballots for the primary the names of the candidates for offices in the Court of Justice.
- (8) The names of the candidates shall be placed on the voting machine in a separate column or columns or in a separate line or lines and identified by the words "Judicial Ballot." The words "Vote for one," or "Vote for one in each division," shall be printed on the ballot in an appropriate location. The office, numbered division thereof if divisions exist, and the candidates therefor shall be clearly labeled. No party designation or emblem of any kind, nor any sign indicating any candidate's political belief or party affiliation, shall be used on voting machines or special ballots.
- (9) The two (2) candidates receiving the highest number of votes for nomination for justice or judge of a district or circuit, or numbered division thereof if divisions exist, shall be nominated. Certificates of nomination shall be issued as provided in KRS 118A.190.
- (10) If it appears after expiration of the time for filing petitions for nomination that there are not more than two (2) candidates who have filed the necessary petitions for a place on the ballot in the regular election, no drawing for ballot position shall be held and the Secretary of State shall immediately issue and file in the Secretary's office certificates of nomination, and send copies to the candidates.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 79, sec. 15, effective July 15, 2008. -- Amended 2000 Ky. Acts ch. 275, sec. 3, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 2, sec. 10, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 296, sec. 18, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 48, sec. 60, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 238, sec. 3, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 470, sec. 37, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 185, sec. 25, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 394, sec. 33, effective July 15, 1982. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 11. -- Created 1976 Ky. Acts ch. 54, sec. 6, effective March 10, 1976.

Legislative Research Commission Note (7/15/2008). The Reviser of Statutes has corrected a manifest clerical or typographical error in the way this statute was amended in 2008 Ky. Acts ch. 79, sec. 15. In that Act, subsection (3) of this statute was inadvertently deleted and subsection (2) of this statute was inadvertently repeated, then amended. This change has been made under the authority of KRS 7.136(1)(h).

Legislative Research Commission Note (1/13/93). Pursuant to KRS 7.136(1)(e), the prior reference to KRS 118A.110 which appeared in subsection (1) of this statute has been deleted because of the repeal of KRS 118A.110 by 1992 Ky. Acts ch. 454, sec. 2, effective July 14, 1992.