

118.215 Certification of candidates or slates by Secretary of State -- Order of listing county offices -- Use of supplemental paper ballots -- Approval of State Board of Elections -- Ballot position unalterable.

- (1) After the order of the names has been determined as provided in KRS 118.225, the Secretary of State shall certify, to the county clerks of the respective counties entitled to participate in the nomination or election of the respective candidates, the name, place of residence, and party of each candidate or slate of candidates for each office, as specified in the nomination papers or certificates and petitions of nomination filed with him or her, and shall designate the device with which the candidate groups, slates of candidates, or lists of candidates of each party shall be printed, in the order in which they are to appear on the ballot, with precedence to be given to the party that polled the highest number of votes at the preceding election for presidential electors, followed by the political party which received the second highest number of votes, with the order of any other political parties and independents to be determined by lot. Candidates for county offices and local state offices shall be listed in the following order: Commonwealth's attorney, circuit clerk, property valuation administrator, county judge/executive, county attorney, county clerk, sheriff, jailer, county commissioner, coroner, justice of the peace, and constable. The names of candidates for President and Vice President shall be certified in lieu of certifying the names of the candidates for presidential electors. The names shall be certified as follows:
 - (a) Not later than the second Monday after the filing deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060;
 - (b) Not later than the second Monday following the filing deadline for the regular election, except as provided in paragraph (c) of this subsection; and
 - (c) Not later than the Monday after the Friday following the first Tuesday in September preceding a regular election, for those years in which there is an election for President and Vice President of the United States.
- (2) Except as otherwise provided in subsection (3) of this section, all independent candidates or slates of candidates whose nominating petitions are filed with the county clerk or the Secretary of State shall be listed under the title and device designated by them as provided in KRS 118.315, or if none is designated, under the word "independent," and shall be placed on the ballot in a separate column or columns or in a separate line or lines according to the office which they seek. The order in which independent candidates or slates of candidates shall appear on the ballot shall be determined by lot by the county clerk. If the same device is selected by two (2) groups of petitioners, it shall be given to the first selecting it and the county clerk shall permit the other group to select a suitable device. This section shall not apply to candidates for municipal offices which come under subsection (3) of this section.
- (3) The ballots used at any election in which city officers are to be elected as provided in subsection (2) of this section shall contain the names of candidates for the city offices grouped according to the offices they seek, and the candidates shall be immediately arranged with and designated by the title of office they seek. The order

in which the names of the candidates for each office are to be printed on the ballot shall be determined by lot. Each group of candidates for each separate office for which the candidates are to be elected shall be clearly separated from other groups on the ballot and spaced to avoid confusion on the part of the voter.

- (4) The Secretary of State shall not knowingly certify to the county clerk of any county the name of any candidate or slate of candidates who has not filed the required nomination papers, nor knowingly fail to certify the name of any candidate or slate of candidates who has filed the required nomination papers.
- (5) If the county clerk determines that the number of certified candidates or slates of candidates cannot be placed on a ballot which can be accommodated by the voting machines currently in use by the county, he or she shall so notify the State Board of Elections not later than the last Tuesday in February preceding the primary or the last Tuesday in August preceding the regular election. The State Board of Elections shall meet within five (5) days of the notice, review the ballot conditions, and determine whether supplemental paper ballots are necessary for the election. Upon approval of the State Board of Elections, supplemental paper ballots may be used for nonpartisan candidates or slates of candidates for an office or offices and public questions submitted for a yes or no vote. All candidates or slates of candidates for any particular office shall be placed either on the machine ballot or on the paper ballot. Supplemental paper ballots may also be used to conduct the voting, in the instance of a small precinct as provided in KRS 117.066.
- (6) The ballot position of a candidate or slate of candidates shall not be changed after the ballot position has been designated by the county clerk.

Effective: November 6, 2019

History: Amended 2019 Ky. Acts ch. 187, sec. 4, effective November 6, 2019. -- Amended 2018 Ky. Acts ch. 162, sec. 3, effective November 7, 2018. -- Amended 2008 Ky. Acts ch. 129, sec. 8, effective July 15, 2008. -- Amended 2007 Ky. Acts ch. 133, sec. 2, effective April 5, 2007. -- Amended 2002 Ky. Acts ch. 129, sec. 4, effective April 2, 2002. -- Amended 1996 Ky. Acts ch. 195, sec. 14, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 288, sec. 39, effective July 14, 1992; and ch. 296, sec. 9, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 48, sec. 42, effective July 13, 1990; and ch. 169, sec. 7, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 470, sec. 25, effective July 15, 1986. -- Amended 1984 ch. 185, sec. 13, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 394, sec. 21, effective July 15, 1982. -- Amended 1976 (1st Extra. Sess.) ch. 1, sec. 2, effective March 19, 1977. -- Amended 1976 Ky. Acts ch. 199, sec. 2, effective June 19, 1976; and ch. 247, sec. 9, effective June 19 1976. -- Created 1974 Ky. Acts ch. 130, sec. 111, effective June 21, 1974.