

**118.105 Nominations by political parties -- Vacancy in candidacy -- Replacement candidates -- Exceptions -- Ineligibility of Senior Status Special Judge.**

- (1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115, every political party shall nominate all of its candidates for elective offices to be voted for at any regular election at a primary held as provided in this chapter, and the governing authority of any political party shall have no power to nominate any candidate for any elective office or to provide any method of nominating candidates for any elective office other than by a primary as provided in this chapter.
- (2) Any political organization not constituting a political party as defined in KRS 118.015 may make its nominations as provided in KRS 118.325.
- (3) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination made by the primary before the certification of candidates for the regular election made under KRS 118.215, because of death, withdrawal, disqualification to hold the office sought, or severe disabling condition which arose after the nomination, the governing authority of the party may provide for filling the vacancy, but only following certification to the governing authority, by the Secretary of State, that a vacancy exists for a reason specified in this subsection. When such a nomination has been made, the certificate of nomination shall be signed by the chair and secretary of the governing authority of the party making it, and shall be filed in the same manner as certificates of nomination at a primary.
- (4) If a vacancy occurs in the nomination of an unopposed candidate or in a nomination made by the primary before the certification of candidates for the regular election, and if that party's nominee was the only political party candidate for the office sought, the governing authority of each party may nominate a candidate for the regular election, provided that no person has sought that party's nomination by filing a notification and declaration.
- (5) If a vacancy occurs in the nomination of a candidate under the conditions of subsection (3) or (4) of this section prior to September 15 preceding the day of the regular election, certificates of nomination for replacement candidates shall be filed in the same manner as provided in subsections (3) and (4) not later than 4 p.m. ten (10) days after the vacancy occurs, excluding weekends and legal holidays. If a vacancy occurs in the nomination of a candidate under the conditions of subsection (3) or (4) of this section on or after September 15 preceding the date of the regular election, certificates of nomination for replacement candidates shall be filed in the same manner as provided in subsections (3) and (4) not later than 4 p.m. five (5) days after the vacancy occurs, excluding weekends and legal holidays.
- (6) If a vacancy in candidacy described in subsection (5) of this section occurs later than the second Thursday preceding the date of the regular election, no certificates of nomination shall be filed and any candidate whose name does not appear on the ballot may seek election by write-in voting pursuant to KRS 117.265.
- (7) This section does not apply to candidates for members of boards of education, or presidential electors, nor to candidates participating in nonpartisan elections. However, regardless of the number of days served by a judge acting as a Senior Status Special Judge, a judge who elected to retire as a Senior Status Special Judge

in accordance with KRS 21.580 shall not become a candidate for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1.

**Effective:** June 29, 2021

**History:** Amended 2021 Ky. Acts ch. 197, sec. 49, effective June 29, 2021. -- Amended 2013 Ky. Acts ch. 66, sec. 1, effective June 25, 2013. -- Amended 2007 Ky. Acts ch. 46, sec. 1, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 71, sec. 7, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 2, sec. 2, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 482, sec. 1, effective April 13, 1994. -- Amended 1990 Ky. Acts ch. 49, sec. 1, effective March 12, 1990. -- Amended 1988 Ky. Acts ch. 17, sec. 8, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 394, sec. 18, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 384, sec. 25, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 54, sec. 23, effective January 1, 1978. -- Created 1974 Ky. Acts ch. 130, sec. 100, effective June 21, 1974.