

83A.175 Filling vacancy in city office or in candidacy for city office.

- (1) The election to fill the regular term of a nonpartisan city office shall be conducted in the manner prescribed in KRS 83A.165 when, in a regular election for nonpartisan city office no candidates nominated to an office as provided in KRS 83A.170 are available due to death, incapacity, or withdrawal, or when city legislative body members are to be elected at large and there are fewer nominees than there are offices to be filled, or when a city of the fourth to sixth class has not conducted a primary pursuant to KRS 83A.045.
- (2) Each candidate shall, not earlier than the first Wednesday after the first Monday in November of the year before the year in which the office will appear on the ballot and not later than the last date prescribed by the election law generally for filing petitions of nomination with the county clerk as provided in KRS 83A.047, file a petition for candidacy. The petition shall be prescribed by the State Board of Elections and shall be signed by at least two (2) registered voters in the city. Each voter may sign individual petitions equal to the number of offices to be filled. If a voter signs petitions for more candidates than he or she is authorized, he or she shall be counted as a petitioner for the candidate whose petition is filed first.
- (3) The county clerk shall examine the petition of each candidate to determine whether it is regular on its face. If there is an error, the county clerk shall notify the candidate by certified mail within twenty-four (24) hours of filing.
- (4) The ballot position of a candidate shall not be changed after the ballot position has been designated by the county clerk.
- (5) If, before the certification of candidates who will appear on the ballot, any candidate whose petition has been filed in the office of the county clerk, dies or notifies the clerk in writing, signed and properly notarized, that he or she will not accept the election, the clerk shall not cause his or her name to be printed on the ballot.
- (6) If, after the certification of candidates who will appear on the ballot, any candidate whose name appears thereon shall withdraw pursuant to KRS 118.212 or die:
 - (a) Neither the precinct election officers nor the county board of elections shall tabulate or record the votes cast for the candidate;
 - (b) The county clerk shall provide notices to the precinct election officers who shall see that a notice is conspicuously displayed at the polling place advising voters of the change, and that votes for the candidate shall not be tabulated or recorded. If the county clerk learns of the death or withdrawal at least five (5) days prior to the election and provides the notices required by this subsection and the precinct officers fail to post the notices at the polling place, the officers shall be guilty of a violation;
 - (c) If there is only one (1) remaining candidate on the ballot for that office in a primary, following the withdrawal or death of the other candidate or candidates, neither the precinct election officers nor the county board of elections shall tabulate or record the votes for the remaining candidate, and the officer with whom the remaining candidate has filed his or her nomination papers shall immediately issue and file in his or her office a

certificate of nomination for that remaining candidate and send a copy to the remaining candidate.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 79, sec. 21, effective July 15, 2008. -- Amended 2003 Ky. Acts ch. 101, sec. 3, effective June 24, 2003. -- Amended 2000 Ky. Acts ch. 354, sec. 3, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 2, sec. 16, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 48, sec. 94, effective July 13, 1990; ch. 169, sec. 6, effective July 13, 1990; and ch. 366, sec. 5, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 17, sec. 7, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 470, sec. 1, effective July 15, 1986.

Legislative Research Commission Note (7/13/90). This section was amended by three 1990 Acts. Where those Acts are not in conflict they have been compiled together. Where a conflict exists, the Act which was last enacted by the General Assembly prevails, pursuant to KRS 446.250.