

### **61.080 Incompatible offices.**

- (1) No person shall, at the same time, be a state officer, a deputy state officer, or a member of the General Assembly, and an officer of any county, city, consolidated local government, or other municipality, or an employee thereof.
- (2) The offices of justice of the peace, county judge/executive, surveyor, sheriff, deputy sheriff, coroner, constable, jailer, and clerk or deputy clerk of a court, shall be incompatible, the one (1) with any of the others. The office of county judge/executive and county school superintendent are incompatible.
- (3) No person shall, at the same time, fill a county office and a municipal office. Notwithstanding the fact that consolidated local governments have both municipal and county powers, persons who hold the office of mayor or legislative council member of a consolidated local government shall not thereby be deemed to hold both a county office and a municipal office. Officers of consolidated local governments shall not, at the same time, fill any other county or municipal office.
- (4) No person shall, at the same time, fill two (2) municipal offices, either in the same or different municipalities.
- (5) No person shall, at the same time, fill any two (2) appointed offices of special purpose governmental entities, as defined in KRS 65A.010, that each have the authority to levy taxes.
- (6) No person shall, at the same time, fill any state office and an appointed office of a special purpose governmental entity that has the authority to levy taxes, unless a state statute specifically requires a person holding a state office to serve in an appointed office of a special purpose governmental entity that has the authority to levy taxes.
- (7) The following offices shall be incompatible with any other public office:
  - (a) Member of the Public Service Commission of Kentucky;
  - (b) Member of the Workers' Compensation Board;
  - (c) Commissioner of the fiscal court in counties containing a city of the first class;
  - (d) County indexer;
  - (e) Member of the legislative body of cities of the first class;
  - (f) Mayor and member of the legislative council of a consolidated local government; and
  - (g) Mayor and member of the legislative body in cities of the home rule class.
- (8) No office in the Kentucky active militia shall be incompatible with any civil office in the Commonwealth, either state, county, district, or city.
- (9) Service as a volunteer firefighter in a volunteer fire department district or fire protection district formed pursuant to KRS Chapter 65, 75, 95, or 273 shall not be incompatible with any civil office in the Commonwealth, whether state, county, district, or city.

**Effective:** January 1, 2015

**History:** Amended 2014 Ky. Acts ch. 33, sec. 1, effective July 15, 2014; and ch. 92,

sec. 26, effective January 1, 2015. -- Amended 2007 Ky. Acts ch. 26, sec. 1, effective June 26, 2007. -- Amended 2002 Ky. Acts ch. 346, sec. 13, effective July 15, 2002. -- Amended 1978 Ky. Acts ch. 379, sec. 56, effective April 1, 1979. -- Impliedly amended 1942 Ky. Acts ch. 4, sec. 13. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 912, 1851b-8, 2711a-145o, 2768, 3043, 3107, 3484, 3746, 3952-4, 4921.

**Legislative Research Commission Note** (1/1/2015). This statute was amended by 2014 Ky. Acts chs. 33 and 92, which do not appear to be in conflict and have been codified together.