

**118.227 Method for filling vacancy in slate of candidate before primary election.**

- (1) If a vacancy occurs in a slate of candidates before the ballots are printed for the primary election because of death, disqualification to hold the office sought, or severe disabling condition which arose after the deadline for filing the notification and declaration, the remaining member of the slate may:

- (a) Designate a replacement for the vacant candidate; or
- (b) Change the composition of the slate and designate a running mate.

Any changes made to the slate of candidates as set forth in this subsection shall be made on forms prescribed by the State Board of Elections and filed with the Secretary of State not later than the deadline for printing primary election ballots, but only following certification to the remaining candidates by the Secretary of State that a vacancy exists for a reason specified in this subsection. The Secretary of State shall immediately certify any changes made to a slate of candidates to the appropriate county clerk, the Registry of Election Finance, and the State Board of Elections.

- (2) If a vacancy occurs in a slate of candidates after the ballots are printed for the primary, the remaining member of the slate may:

- (a) Designate a replacement for the vacant candidate; or
- (b) Change the composition of the slate and designate a running mate.

Any changes made to the slate of candidates as set forth in this subsection shall be made on forms prescribed by the State Board of Elections and filed with the Secretary of State filed with the registry prior to the primary election, but only following certification to the remaining candidate by the Secretary of State that a vacancy exists for a reason specified in subsection (1) of this section. The Secretary of State shall immediately certify any changes made to a slate of candidates to the appropriate county clerk, the Registry of Election Finance, and the State Board of Elections.

- (3) If a replacement for a vacant candidate is made after the ballots are printed for the primary because of death, disqualification to hold the office sought, or severe disabling condition which arose after the deadline for filing the notification and declaration, notices informing the voters of the change in the composition of the slate shall be printed by the State Board of Elections and sent to the appropriate county clerk to be posted at each precinct polling place. Any votes cast prior to any changes made to the composition of a slate shall be counted as votes cast for the new slate composition.

- (4) The provisions of KRS 118.105 shall apply to vacancies occurring in the nomination of a qualifying slate of candidates.

**Effective:** July 15, 2008

**History:** Amended 2008 Ky. Acts ch. 79, sec. 12, effective July 15, 2008. -- Created 2005 Ky. Acts ch. 105, sec. 16, effective March 16, 2005.