

18A.0551 Personnel Board elections -- Procedures.

- (1)
 - (a) Elections to the board shall be scheduled every four (4) years on or before June 15. The board shall provide written notification of the date of the election to all classified employees on or before April 1; and
 - (b) Upon receipt of the notification provided for by paragraph (a) of this subsection, an employee wishing to serve on the board shall notify the board, in writing, no later than May 15. This notification shall be notarized and shall include the candidate's name, address, unique personal identification number, job classification, and length of state employment. It shall also include the name and address of his current employer.
- (2) On the last working day of April, the cabinet shall certify a payroll listing to the board that is current on such day and that contains the name, unique personal identification number, and home address of every classified employee.
- (3) At least ten (10) working days prior to the election provided for in subsection (1) of this section, the board shall mail to each classified employee whose name appeared on the payroll listing certified by the cabinet at his home address:
 - (a) A list of candidates for election to the board;
 - (b) Instructions for voting;
 - (c) A ballot listing the names of all candidates for election to the board; and
 - (d) An envelope for returning the ballot should the classified employee wish to return the ballot by first-class mail.
- (4) Upon receipt of his ballot, a classified employee wishing to participate in the election provided for in subsection (1) of this section shall:
 - (a) Vote for no more than two (2) candidates on the ballot, following the instructions for voting;
 - (b) Print his or her unique personal identification number on the ballot in the space provided on the ballot; and
 - (c) Deliver the ballot to the board by any means, including first-class mail, facsimile, scanned e-mail, or hand delivery. Ballots shall arrive at the board's principal address no later than the date of the election or be postmarked on or before the date of the election.
- (5) The board shall:
 - (a) Select an impartial third party to receive, validate, and tabulate all returned ballots as provided by this subsection and subsection (6) of this section; and
 - (b) Provide the impartial third party with a computer-generated list of the unique personal identification numbers of eligible voters in numerical order.
- (6) The impartial third party selected by the board shall collect all ballots from the board and:
 - (a) Set aside, untabulated, any envelope postmarked with, or ballot stamped as received at the board on, a date subsequent to the deadline provided for by this section;

- (b) Verify the unique personal identification number on the ballot by comparing the number to the computer-generated list of unique personal identification numbers of eligible voters provided by the cabinet;
- (c) Set aside, untabulated, any ballot containing a unique personal identification number that does not match the unique personal identification number appearing next to the name on the computer-generated list;
- (d) Tabulate the timely ballots;
- (e) Compare the total tabulated vote with the total number of eligible employees appearing on the computer generated list provided by the cabinet;
- (f) Return the ballots; envelopes, including envelopes that have not been opened; and other election material to the board; and
- (g) Certify to the board:
 - 1. That the tabulation does not include two (2) or more ballots with the same unique personal identification number;
 - 2. The total number of ballots received;
 - 3. The total number of ballots not included in the tabulation, and the reason each such ballot was not included in the tabulation;
 - 4. The total number of ballots included in the tabulation; and
 - 5. The total vote for each candidate.
- (7) For at least sixty (60) days after the completion of the tabulation provided for by subsection (6) of this section, the ballots, envelopes, and other election materials provided for by this section shall be public record and open to inspection, but the home addresses and unique personal identification numbers of the eligible employees and voters shall be redacted prior to public inspection or disclosure.
- (8) The two (2) candidates receiving the greatest number of votes shall be declared the successful candidates. In the event of a tie vote, the tie shall be broken by a coin toss in the presence of the candidates receiving the tie vote.
- (9) Successful candidates shall be notified by the board no later than ten (10) working days after the election. Successful candidates shall take office immediately upon notification.
- (10) State employees may use state materials or equipment, except for state-paid first-class postage, to vote in the election of classified employees to the board. Except for voting in accordance with this section, any activity related to the election of a classified employee to the board shall not be conducted during working hours.

Effective: April 13, 2010

History: Amended 2010 Ky. Acts ch. 153, sec. 6, effective April 13, 2010. -- Amended 2002 Ky. Acts ch. 123, sec. 1, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 154, sec. 18, effective July 15, 1998. -- Amended 1988 Ky. Acts ch. 307, sec. 1, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 494, sec. 12, effective July 15, 1986.