

### **117.265 Write-in votes.**

- (1) A voter may, at any regular or special election, cast a write-in vote for any person qualified as provided in subsection (2) or (3) of this section, whose name does not appear upon the ballot label for any office, by writing the name of his or her choice upon the appropriate device for the office being voted on provided on the voting machine as required by KRS 117.125. Any candidate for city office who is defeated in a partisan or nonpartisan primary shall be ineligible as a candidate for the same office in the regular election. Any voter utilizing an absentee ballot for a regular or special election may write in a vote for any eligible person whose name does not appear upon the ballot, by writing the name of his or her choice under the office.
- (2) Write-in votes shall be counted only for candidates for election to office who have filed a declaration of intent to be a write-in candidate with the Secretary of State or county clerk, depending on the office being sought, on or before the fourth Friday in October preceding the date of the regular election and not later than the second Friday before the date of a special election. The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. The declaration of intent shall be on a form prescribed by the Secretary of State.
- (3) A person shall not be eligible as a write-in candidate:
  - (a) For more than one (1) office in a regular or special election; or
  - (b) If his or her name appears upon the ballot label for any office, except that the candidate may file a notice of withdrawal prior to filing an intent to be a write-in candidate for office when a vacancy in a different office occurs because of:
    1. Death;
    2. Disqualification to hold the office sought;
    3. Severe disabling condition which arose after the nomination; or
    4. The nomination of an unopposed candidate.
- (4) Persons who wish to run for President and Vice-President shall file a declaration of intent to be a write-in candidate, along with a list of presidential electors pledged to those candidates, with the Secretary of State on or before the fourth Friday in October preceding the date of the regular election for those offices. The declaration of intent shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the year the office will appear on the ballot, and no later than 4 p.m. local time at the place of filing when filed on the last date on which papers may be filed. Write-in votes cast for the candidates whose names appear on the ballot shall apply to the slate of pledged presidential electors, whose names shall not appear on the ballot.
- (5) The county clerk shall provide to the precinct election officers certified lists of those persons who have filed declarations of intent as provided in subsections (2) and (3) of this section. Only write-in votes cast for qualified candidates shall be counted.
- (6) Two (2) election officers of opposing parties shall upon the request of any voter instruct the voter on how to cast a write-in vote.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 176, sec. 7, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 79, sec. 4, effective July 15, 2008. -- Amended 2005 Ky. Acts ch. 71, sec. 4, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 34, sec. 1, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 243, sec. 12, effective April 1, 1998. -- Amended 1992 Ky. Acts ch. 288, sec. 57, effective July 14, 1992; and ch. 454, sec. 1, effective July 14, 1992.. -- Amended 1990 Ky. Acts ch. 48, sec. 29, effective July 13, 1990; and ch. 366, sec. 2, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 287, sec. 10, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 394, sec. 16, effective July 15, 1982. -- Amended 1976 Ky. Acts ch. 247, sec. 6, effective June 19, 1976. -- Created 1974 Ky. Acts ch. 130, sec. 40, effective June 21, 1974.

**Legislative Research Commission Note (7/14/92).** This section was amended by 1992 Acts chs. 288 and 454 which are in conflict. Pursuant to KRS 446.250, Acts ch. 288 which was last enacted by the General Assembly prevails.