

The Supreme Court is considering an amendment to Supreme Court Rule (SCR) 1.060, Circuit Court Clerks. Under SCR 10.000, written comments to the proposed amendment must be submitted by May 15, 2023, to ruleamendments@kycourts.net.

SCR 1.060 Circuit Court Clerks

- (1) Pursuant to Section 100 of the Constitution of Kentucky no person shall be eligible to seek the office of circuit clerk unless he shall have procured from a judge of the Court of Appeals, or a judge of the circuit court, a certificate that he has been examined by the clerk of his court under his supervision, and that he is qualified for the office for which he is a candidate.
- (2) No such certificate shall be issued to any person unless that person has received a passing grade of 70% or more on a standard examination to be prepared and administered by the Administrative Office of the Courts.
 - (a) The examination shall *be scheduled by the Administrative Office of the Courts and comprised of 150 questions.***
 - (b) Questions shall be derived from the following sources ~~[include general knowledge questions and specific questions pertaining to]:~~**
 - (i) 75 from ~~[the materials included in]~~ the Circuit Clerk's Manual;**
 - (ii) 45 from the Circuit Clerk's Accounting Manual;**
 - (iii) 30 from the Personnel Policies of the Court of Justice *and the Code of Conduct for Circuit Court Clerks* ~~[and relevant Administrative Procedures of the Kentucky Court of Justice].~~**
 - (c) The Administrative Office of the Courts shall conduct an annual review of all examination questions to ensure they are current.**
 - (d) Each examinee will be given three hours to complete the examination. Use of study guides, smart watches, smart phones or any other electronic device is not permitted during the examination. A calculator shall be provided by the AOC.**
 - (e) The Administrative Office of the Courts may elect to contract for any or all of the following services related to administration of the examination:**

- (i) creating test questions;*
- (ii) proctoring the examination.*

(f) Each examination shall be graded and verified. Scores shall be rounded to the nearest whole number.

- (3)** The examination shall be given once not less than 30 days nor more than 60 days before the deadline for filing for election in the year in which circuit clerks are elected. No person shall be eligible to appear on any election ballot for the office for circuit clerk who has not successfully completed an examination and been so certified, except no incumbent circuit clerk shall be required to be re-certified.

(a) Notice of the examination shall be given to statewide media no less than 60 days before the date of the examination.

(b) The Administrative Office of the Courts shall publish information about the examination on its website.

- (4)** ***Examinees may register by completing a registration form to be prescribed by the Administrative Office of the Courts and furnishing a copy of a photo ID.***

(a) Registrations must be received prior to the deadline established by the Administrative Office of the Courts.

(b) The Administrative Office of the Courts or designee must provide reasonable and appropriate accommodations in accordance with the Americans with Disabilities Act for individuals with documented disabilities or a medical condition who demonstrate a need for accommodations and request accommodations on the registration form.

(c) Examinees must check-in to take the examination and must provide a matching photo ID.

- (5)** ***Results shall be communicated in writing to each examinee indicating whether the examinee passed or failed.***

(a) A list of passing examinees shall be forwarded to the Secretary of State and the local county clerk.

(b) Upon written request, raw scores will be provided to examinees who receive a failing score.

((4] **6**) In the event of a vacancy in the office of circuit clerk, a special examination shall be prepared by the Administrative Office of the Courts to be administered to such person or persons designated by the chief circuit judge responsible for filling the vacancy by appointment, and to be administered to prospective candidates for election to fill the unexpired term.

(a) The special examination may be given up to 30 days prior to the anticipated date of the vacancy.

(b) Upon request of the chief circuit judge, the Administrative Office of the Courts may re-administer an examination up to three times after failure of an examinee designated by the chief circuit judge.

(c) If the special examination has not been given and/or an appointment order is not received on or before the vacancy occurs, a Special Clerk will be assigned.

(d) If the deadline to file for election occurs before the special examination has been administered, the Administrative Office of the Courts may, upon making a public announcement, open the examination up to all residents of the county. Only residents of the county with a vacancy are eligible to take the special examination.

(e) Results of a special examination shall be provided to the chief circuit judge and each examinee and will indicate only whether the examinee passed or failed unless scores are requested by the chief circuit judge.

(f) Upon written request, raw scores will be provided to examinees who receive a failing score.

(g) A passing result received on a special examination will be valid for one calendar year from the date the special examination was administered. Results forwarded to the Secretary of State and local county clerk will include the expiration date of eligibility.

(7) Any examinee who receives a failing result may make a request for reconsideration to the Director of the Administrative Office of the Courts.

(a) A request for reconsideration shall be in writing and shall be delivered to the AOC Director's office within two weeks of notification of the failing result.

(b) No hearings will be provided.

(c) Decisions of the AOC Director are final and conclusive.