

Supreme Court of Kentucky

2023-13

ORDER

In Re: Order Amending the Supreme Court Rules

The following amendments to the Supreme Court Rules shall be effective June 1, 2023:

SCR 1.060 shall read:

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 court 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 be comprised of 150 questions.
 - (b) Questions shall be derived from the following sources:
 - (i) 75 from the Circuit Court Clerks' Manual;
 - (ii) 45 from the Circuit Court Clerks' Accounting Manual;
 - (iii) 30 from the Personnel Policies of the Court of Justice and the Code of Conduct for Circuit Court Clerks.
 - (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 upon request.

- (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 court clerks are elected. No person shall be eligible to appear on any election ballot for the office for circuit court clerk who has not successfully completed an examination and been so certified, except no incumbent circuit court 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 may be communicated individually to each examinee or by posting on the Kentucky Court of Justice website.

- (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.
- (6) In the event of a vacancy in the office of circuit court 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 or an appointment order is not received on or before the date the vacancy occurs, the Chief Justice shall assign a special circuit court clerk under Kentucky Revised Statutes (KRS) 30A.180.
 - (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. The results will only indicate 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) Examinees who receive a passing result on a special examination will be eligible to file for election as circuit court clerk for one year from the date the result is communicated or posted under Section 5 of this rule. 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.

This Order shall be effective June 1, 2023, and until further order of this Court.

Entered this 19th day of May 2023.

All sitting; all concur.



CHIEF JUSTICE