

**242.125 Separate vote to determine wet, moist, or dry status in cities -- Right of city precincts to vote for separate dry status -- Dual status as both wet and moist.**

- (1) A city shall not be deemed to be the "same territory" as that of a county within the meaning of KRS 242.030(3). A city shall have the right to determine its wet or dry status separate from a county's wet or dry status.
- (2) A dry or moist city may hold a local option election to take the sense of the city residents for establishing the city as a wet territory. If the majority of the votes are in favor of establishing the city as a wet territory, the whole city shall become wet territory by application of KRS 242.200. A moist city that becomes wet under this section shall retain its moist status and have dual status as both wet and moist.
- (3) Once a city becomes wet under this section separate from the county, a countywide local option election establishing the county as dry territory shall not cause the city to become dry territory.
- (4) Once a city becomes wet under this section separate from a county, a countywide local option election establishing the county as moist territory shall cause the city to have dual status as both wet and moist.
- (5) A wet city may hold a local option election to take the sense of the city residents for establishing the city as dry or moist territory. If the majority of the votes are in favor of establishing the city as dry, the whole city shall become dry by application of KRS 242.190. A wet city that becomes moist under this section shall retain its wet status and have dual status as both wet and moist.
- (6) If a city votes to become wet territory, a precinct of the city may hold a later election in conformity with this chapter to take the sense of the city precinct residents for establishing the city precinct as a dry or moist territory. If the majority of the votes are in favor of establishing the city precinct as a dry or moist territory, the city precinct shall become dry or moist territory by application of KRS 242.190.
- (7) If a city precinct becomes dry or moist territory separate from a wet city, the city precinct may hold a later election in conformity with this chapter, to take the sense of the city precinct residents for reestablishing the city precinct as a wet territory. If the majority of the votes are in favor of reestablishing the city precinct as a wet territory, the city precinct shall become wet territory by application of KRS 242.200.
- (8) A dry or moist county containing a wet city may hold a local option election to take the sense of the county residents for establishing the county as a wet territory. If the majority of the votes are in favor of establishing the county as a wet territory, the whole county shall become wet territory by application of KRS 242.200.
- (9) A wet county containing a wet city by separate city election under this section may hold a local option election to take the sense of the county residents for establishing the county as a dry or moist territory. If the majority of the votes are in favor of establishing the county as a dry territory, the county territory outside the separately wet city limits shall become dry by application of KRS 242.190. If the majority of the votes are in favor of establishing the county as

moist territory, both the county and city shall retain their wet status and have dual status as both wet and moist.

- (10) Residents of any city, including a separately wet city, are residents of the county, and shall therefore be permitted to sign any petitions for, and vote in, county local option elections.
- (11) A petition seeking a wet local option election under this section shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages in (name of county, city, or precinct)'?".
- (12) In any wet local option election under this section, the form of the proposition to be voted upon shall be: "Are you in favor of the sale of alcoholic beverages in (name of county, city, or city precinct)'?".
- (13) The status of any moist territory approving limited alcoholic beverage sales through a previous election held under KRS 242.022, 242.123, 242.1238, 242.124, 242.1242, 242.1243, 242.1244, and 242.1292, or any other limited local option election, shall not be affected by any outcome of any wet election held under this section. A territory's wet or moist status may only be changed to dry status by a local option election in which the majority of the votes are not in favor of the original same wet or moist election proposition.

**Effective:** June 29, 2017

**History:** Amended 2017 Ky. Acts ch. 62, sec. 26, effective June 29, 2017. -- Amended 2016 Ky. Acts ch. 80, sec. 27, effective July 15, 2016. -- Amended 2014 Ky. Acts ch. 92, sec. 291, effective January 1, 2015. -- Repealed and reenacted 2013 Ky. Acts ch. 121, sec. 15, effective June 25, 2013. -- Amended 1982 Ky. Acts ch. 360, sec. 66, effective July 15, 1982. -- Amended 1966 Ky. Acts ch. 255, sec. 213. -- Amended 1966 Ky. Acts ch. 255, sec. 213. -- Created 1948 Ky. Acts ch. 47, sec. 1.