

AN ACT relating to elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 242.020 is amended to read as follows:

- (1) A petition for an election shall be signed by a number of constitutionally qualified voters of the territory to be affected, equal to twenty-five percent (25%) of the votes cast in the territory at the last preceding ~~regular~~^{general} election. The petition may consist of one (1) or more separate units, and shall be filed with the county clerk.
- (2) The petition for election, in addition to the name of the voter, shall state also the voter's residence address, date of birth, and the correct date upon which the voter's name was signed.
- (3) No signer may withdraw his or her name or have it taken from the petition after the petition has been filed. If the name of any person has been placed on the petition for election without that person's authority, the person may appear before the county judge/executive before the election is ordered and upon proof that the person's name was placed on the petition without his or her authority, the person's name may be eliminated by an order of the county judge/executive. When the person's name has been eliminated, he or she shall not be counted as a petitioner.
- (4) A petition seeking a 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 territory)?'". No petition for a referendum shall be circulated for more than six (6) months prior to its filing.
- (5) After a petition for election has been filed ***in conformity with this section and Section 2 of this Act***, the county judge/executive shall make an order on the order book of the court directing ***that the question be placed on the ballot for the next primary or regular***~~an~~ election to be held in that territory.
- (6) Substantial compliance with the wording designated under this chapter for a

particular type of petition is sufficient to validate the actual wording of the petition.

➔Section 2. KRS 242.030 is amended to read as follows:

- (1) The date of the local option election may be stated in the petition for election. If the date is not stated, it shall be designated by the county judge/executive in accordance with subsections (2) and (3) of this section.
- (2) (a) In order for the local option election ~~to~~^{shall} be held on the day fixed by law for holding a primary, the petition shall be filed not earlier than the first Wednesday after the first Monday in November of the year preceding the day on which the primary is to be held and not later than the last Tuesday in January preceding the day fixed by law for holding the primary~~not earlier than sixty (60) nor later than ninety (90) days after the date the petition is filed with the county clerk~~.
- (b) In order for the local option election to be held on the day fixed by law for holding regular elections, the petition shall be filed not later than the second Tuesday in August preceding the day fixed by law for holding the regular election.
- (3) ~~All~~^{The} local option elections~~election~~ shall~~not~~ be held on the same day that a primary or regular~~general~~ election is held in the territory or any part of the territory~~, nor within thirty (30) days next preceding or following a regular political election~~.
- (4) ~~A local option election in any territory less than the county shall not be held on the same day on which an election for the entire county is held, except as approved in KRS 242.125.~~
- (5) ~~No local option election shall be held in the same territory more than once in every three (3) years.~~

➔Section 3. KRS 242.060 is amended to read as follows:

- (1) The general election laws, including penalties for violations, shall apply to the

election, except where these laws are inconsistent with this chapter.

(2) The cost of the election shall be borne by:

(a) The county *if the election is held on the same day as a primary or regular election; or*

(b) *The committee or other group primarily responsible for the circulation and filing of the petition for the election if the election is not held on the same day as a primary or regular election. The actual cost of the election shall be established by the county judge/executive and shall include all material and administrative costs associated with said election.*

→Section 4. KRS 242.040 is amended to read as follows:

Within five (5) days after the county judge/executive orders **that the local option question be placed on the ballot for the next primary or regular**~~[an]~~ election, the county clerk shall give to the sheriff a certified copy of the order. The sheriff shall have the order published pursuant to KRS Chapter 424 in the county. When the election is ordered for the entire county, the sheriff shall also advertise the order by written or printed handbills posted at not less than five (5) conspicuous places in each precinct of the county for two (2) weeks before the election, and, when the election is ordered held in a city, district or precinct, at five (5) conspicuous places in each precinct~~[therein]~~ for the same length of time. The sheriff shall report in writing to the county judge/executive that the notices have been published and posted.

→Section 5. KRS 242.1242 is amended to read as follows:

(1) (a) To promote economic development and tourism in any dry or moist county or city in which a qualified historic site is located, a local option election for the limited sales of alcoholic beverages by the drink may be held in the precinct of the county where the qualified historic site is located, notwithstanding any other provision of the Kentucky Revised Statutes.

(b) A petition seeking a local option election under this section shall state "We

the undersigned registered voters hereby petition for an election under this section on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink at qualified historic sites in (name of precinct)?'".

- (2) A local option election for the limited sale of alcoholic beverages by the drink held under subsection (1) of this section shall be conducted in the same manner as specified in KRS 242.020; 242.030~~[(1), (2), and (5)]~~; 242.040; and 242.060 to 242.120. The form of the proposition to be voted upon shall be "Are you in favor of the sale of alcoholic beverages by the drink at qualified historic sites in the (name of precinct)?".

➔Section 6. KRS 242.1244 is amended to read as follows:

- (1) (a) In order to promote economic development and tourism, other provisions of the Kentucky Revised Statutes notwithstanding, a dry or moist city or county may, by petition in accordance with KRS 242.020, hold a local option election on the sale of alcoholic beverages by the drink at restaurants and dining facilities that seat a minimum of fifty (50) persons and derive a minimum of seventy percent (70%) of their gross receipts from the sale of food if alcoholic beverages are purchased in conjunction with a meal. A petition seeking a local option election under this subsection 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 by the drink at restaurants and dining facilities with a seating capacity of at least fifty (50) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food if the alcoholic beverage is purchased in conjunction with a meal?'".
- (b) The election shall be held in accordance with KRS 242.030~~[(1), (2), and (5)]~~, 242.040, and 242.060 to 242.120, and the proposition on the ballot shall state "Are you in favor of the sale of alcoholic beverages by the drink in (name of

city or county) at restaurants and dining facilities with a seating capacity of at least fifty (50) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food if the alcoholic beverage is purchased in conjunction with a meal?". If the majority of the votes in an election held pursuant to this subsection are "Yes," licenses may be issued to qualified restaurants and dining facilities, and the licensees may be regulated and taxed in accordance with KRS 243.072.

- (2) (a) In order to promote economic development and tourism, other provisions of the Kentucky Revised Statutes notwithstanding, a dry or moist city or county may, by petition in accordance with KRS 242.020, hold a local option election on the sale of alcoholic beverages by the drink at restaurants and dining facilities which seat a minimum of one hundred (100) persons and derive a minimum of seventy percent (70%) of their gross receipts from the sale of food.
- (b) A petition seeking a local option election under this subsection 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 by the drink in (name of city or county) at restaurants and dining facilities with a seating capacity of at least one hundred (100) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food?'".
- (c) The election shall be held in accordance with KRS 242.030~~[(1), (2), and (5)]~~, 242.040, and 242.060 to 242.120, and the proposition on the ballot shall state "Are you in favor of the sale of alcoholic beverages by the drink in (name of city or county) at restaurants and dining facilities with a seating capacity of at least one hundred (100) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food?". If the majority of the votes in an election held pursuant to this subsection are "Yes," licenses may

be issued to qualified restaurants and dining facilities and the licensees may be regulated and taxed in accordance with KRS 243.072.

- (3) A local option proposition under subsection (1) of this section is a separate proposition than a local option proposition held under subsection (2) of this section, so that a separate limited local option election is required for sales under each subsection. A territory may, by separate limited local option elections, simultaneously allow alcoholic beverage sales under subsections (1) and (2) of this section. A territory may also hold a limited local option election to allow alcoholic beverage sales under either subsection (1) or (2) of this section without authorizing alcoholic beverage sales under the other subsection.

➔Section 7. KRS 242.125 is amended to read as follows:

- (1) As used in this section, "city" or "cities" means a city or cities containing a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census.
- (2) A city shall not be deemed to be the "same territory" as that of a county within the meaning of KRS 242.030~~(4)~~~~(5)~~. A city shall have the right to determine its wet or dry status separate from a county's wet or dry status.
- (3) 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.
- (4) Once a city votes under this section to become wet territory separate from the county, a countywide local option election establishing the county as dry or moist territory shall not cause the city to become dry or moist territory.
- (5) A wet city may hold a local option election to take the sense of the city residents for establishing the city as a dry or moist territory. If the majority of the votes are in favor of establishing the city as a dry or moist territory, the whole city shall become

- dry or moist territory by application of KRS 242.190.
- (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 or moist territory, the county territory outside the wet city limits shall become dry or moist territory by application of KRS 242.190.
 - (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 under this section.
 - (11) A petition seeking a 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 local option election under this section, the proposition to be voted upon shall state "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 242.123, 242.124, 242.1242, and 242.1244, or any other limited local option election, shall not be affected by any outcome of any election held under this section. A territory's moist status may only be changed by a local option election on the original same moist election proposition.
- (14) Any city that does not meet the population requirements of subsection (1) of this section that held a separate city-wide election pursuant to subsections (1) to (4) of this section prior to January 1, 2015, shall maintain its wet status and shall be treated as a city as defined in this section for the purposes of subsections (5) to (13) of this section.

➔Section 8. KRS 242.1292 is amended to read as follows:

- (1) The provisions of this section shall be applicable only in any city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census notwithstanding any other provisions of this chapter relating to the wet or moist status in any county, city, or territory which may be to the contrary.
- (2) In any city meeting the population requirements of subsection (1) of this section that is dry or moist in all or part of the city, and upon a determination that an economic hardship exists in one (1) or more of the voting precincts of the city in the manner prescribed in subsection (11) of this section, the governing body of the city shall by ordinance designate the precinct or precincts as a limited sale precinct or precincts and shall provide for an election to be held in the precinct or precincts to take the sense of the people of each precinct as to making that precinct wet territory. A

petition seeking a 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 (official name of precinct)?'".

- (3) The election shall be held in the precinct or precincts in the manner prescribed in this chapter. The election shall not be deemed to be an election in the "same territory" within the meaning of subsection ~~(4)~~~~(5)~~ of KRS 242.030.
- (4) The question shall be presented to the voters in conformance with the requirements of KRS 242.050 except that the form of the proposition shall be, "Are you in favor of the sale of alcoholic beverages in (official name and designation of precinct)?".
- (5) If a majority of the votes cast in any limited sale precinct in which an election is held under this section are in favor of the sale of alcoholic beverages in that precinct, the governing body of the city shall by ordinance create or provide for the office of city alcoholic beverage control administrator.
- (6) The governing body of the city shall adopt the comprehensive regulatory ordinance covering the licensing and operation of establishments for the sale of alcoholic beverages, including, but not limited to, distilled spirits and malt beverages, within a limited sale precinct as set forth in this section. In relation to the ordinances established by a city meeting the population requirements of subsection (1) of this section under this subsection and subsection (7) of this section, review by the board, if any, shall be limited to a determination that the ordinances do not exceed the limits established for sale by statute, or administrative regulations promulgated by the board under those statutes. In its discretion the governing body shall provide without review by the board that:
 - (a) Only three (3) licenses permitting the package sale at retail of alcoholic beverages shall be granted within the territorial limits of any limited sale precinct.

- (b) Only four (4) licenses to sell alcoholic beverages by the drink for consumption on the premises by the general public shall be granted in any one (1) limited sale precinct. One (1) license in each limited sale precinct may be reserved for any newly established hotel, motel, or inn containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons. The remaining three (3) licenses may be granted to a hotel, motel, or inn meeting the ~~forestated~~ requirements or to bona fide restaurants open to the general public having dining facilities for not less than one hundred (100) persons. Additional licenses to sell alcoholic beverages by the drink for consumption on the premises may be granted to social membership clubs established and maintained for the benefit of members of bona fide fraternal or veterans organizations.
- (7) The governing body of the city may also incorporate in the regulatory ordinance any other reasonable rules and regulations as it deems, necessary or desirable for the proper administration and enforcement of this section, for the maintenance of public order in a limited sale precinct, and for the issuance of any licenses permitted by KRS 243.070.
- (8) Notwithstanding any limitations imposed on the city's taxing or licensing power by KRS 243.070, once any limited sale precinct has been established as wet territory, the governing body of the city may impose a regulatory license fee upon the gross receipts of each establishment located therein and licensed to sell alcoholic beverages. The regulatory license fee may be levied at the beginning of each city budget period at the percentage rate as shall be reasonably estimated to fully reimburse the city for the estimated costs of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the city. The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law, but a credit against the fee shall be allowed in an amount equal to

any licenses or fees imposed by the city pursuant to KRS 243.070.

- (9) Subject to the limitation imposed by subsection (3) of this section, no provision contained in this section providing for the establishment of a limited sale precinct shall preclude or abridge the right of the constitutionally qualified voters of the precinct to petition for a subsequent election on the same question.
- (10) If an election is held pursuant to other provisions of KRS Chapter 242 in the city or the county in which a limited sale precinct is located for the purpose of taking the sense of the voters upon the question of the entire city or the entire county becoming dry, wet, or moist, the status of that question in a limited sale precinct shall be determined in the following manner:
- (a) The status of a limited sale precinct shall not be affected by any election for the entire city or the entire county if the limited sale precinct was established less than five (5) years prior to the date of the proposed election for the entire city or the entire county and if so the voters of any limited sale precinct shall not vote in the election.
- (b) If the limited sale precinct was established more than five (5) years prior to the date of the proposed election for the entire city or the entire county, the voters within each limited sale precinct shall be presented with the question, "Are you in favor of continuing the sale of alcoholic beverages in (official name and designation of precinct) as a limited sale precinct?". No other question shall be presented to the voters of any limited sale precinct.
- (c) The votes of each limited sale precinct shall be counted separately, and, if a majority of the votes cast in the limited sale precinct are in favor of continuing the sale of alcoholic beverages therein as a limited sale precinct, then the status shall continue within the precinct, except that if the city or the county in which the limited sale precinct is located votes wet in the remainder of the city or the county, the limited sale precinct status of any precinct may be

terminated by the governing body of the city or the county and thereafter the status of the precinct shall be the same as that in effect for the remainder of the city or the county.

(11) Any precinct located entirely within any city meeting the population requirements of subsection (1) of this section that is dry in all or part of the city shall be designated as a limited sale precinct by the governing body of the city if:

- (a) The governing body determines to its satisfaction that the general trade, business, and economy of one (1) or more of the precincts within the city is substantially, adversely affected by the legal sale of alcoholic beverages in any neighboring or adjoining state, county, city, town, district, or precinct. For the purpose of making this determination, the governing body may hold hearings, examine witnesses, or receive evidence as it believes necessary or desirable for the purpose; or
- (b) The governing body receives a petition signed by a number of constitutionally qualified voters of a precinct equal to thirty-three percent (33%) of the votes cast in the precinct at the last preceding general election requesting the governing body of the city to designate the precinct as a limited sale precinct. The petition may consist of one (1) or more separate units and shall be filed with the mayor of the city. In addition to the name of the voter, the petition shall also state his or her post office address and the correct date upon which his or her name is signed. Upon receipt of the petition, the mayor shall present it to the governing body of the city at its next regularly scheduled meeting and, after verifying that the petition is in compliance with the requirements of this section, the governing body shall forthwith by ordinance designate the precinct to be a limited sale precinct.