

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 general election. The petition may consist of one (1) or more separate units, and shall be filed with the county clerk.
- (2)

If the petition being circulated requests a date for holding the election other than a primary or regular election date and the vote is in favor of allowing the sale of alcoholic beverages in the territory, then the actual cost of the election shall be refunded by the governing body of the territory to the fiscal court of the county where the territory is located.

The refund shall be a proportional share of the fee of each initial license issued and each renewal license issued until the cost of the election is recouped.

The cost of the election shall be certified to the appropriate governing body by the treasurer of the county affected.
- (3) The petition for election, in addition to the ***signature and legibly printed*** name of the voter, shall state also the voter's residence address, ***year***~~[date]~~ of birth, and the correct date upon which the voter's name was signed.
- ~~(4)~~~~(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.

~~(5)~~~~(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.

~~(6)~~~~(5)~~ After a petition for election has been filed *in conformity with this section and Sections 2 and 3 of this Act*, the county judge/executive shall make an order on the order book of the court directing *that the local option question may be placed on the ballot for the next primary or regular*~~an~~ election to be held in that territory.

(7) If the date of the local option election is stated in the petition under subsection (1) of Section 2 of this Act, and is a date other than a primary or regular election day, then subsection (2) of this section shall apply.

~~(8)~~~~(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.~~
- (2) The local option election shall be held not earlier than sixty (60) *and not*~~nor~~ later than ninety (90) days after the date the petition is filed with the county clerk.
- (3) The local option election *may*~~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 *may*~~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) *(a)* No local option election shall be held in the same territory more than once in every three (3) years, *except those elections held on a date other than a*

primary or regular election date in accordance with subsection (2) of Section 1 of this Act.

(b) If a local option election fails to receive the necessary votes to allow the sale of alcohol, no subsequent local option election shall be held in those territories more than once every seven (7) years.

(6) If the date is not stated in the petition, it shall be designated by the county judge/executive in accordance with subsections (7) and (8) of this section.

(7) In order for the local option election to 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.

(8) In order for the local option election to be held on the day fixed by law for a regular election, the petition shall be filed not later than the second Tuesday in August preceding the day fixed by law for holding the regular election.

→Section 3. KRS 242.040 is amended to read as follows:

Within five (5) days after the county judge/executive orders 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 not later than two (2) weeks before the election. ~~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 4. 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 5. 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 6. KRS 242.022 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 state park is located, a local option election for the limited sales of alcoholic beverages by the drink may be held in a city or county precinct where the state park's qualifying lodge or golf course 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 KRS 242.022 on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink at the state park located 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 the state park located in the (name of precinct)?".

- (3) When a majority of the votes cast at an election held under subsections (1) and (2) of this section are in favor of establishing moist territory, the entire state park shall become moist in the manner specified in KRS 242.200.