

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2017 REGULAR SESSION
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Amend printed copy of **SB 145/GA**

On page 23, after line 16 by adding the following:

"➔Section 11. KRS 242.190 is amended to read as follows:

- (1) When a majority of the votes cast at a local option election are in favor of establishing dry territory, the territory shall be dry at the expiration of sixty (60) days from the date of the entry of the certificate of the county board of election commissioners in the order book of the county judge/executive.
- (2) Upon the annexation of any ~~[local option]~~ territory by a city, ~~[either before July 15, 1980, or subsequent thereto,]~~ the annexed territory shall ***not*** assume the same local option status as the local option status of the annexing city ***unless the annexed area's local option status is conformed to the city's through an election as set out in Section 12 of this Act.*** Nothing in this section shall impair the right of any precinct in the annexed territory to determine its own status with respect to the legal sales of alcoholic beverages in accordance with the provisions of KRS Chapter 242.

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 242 IS CREATED TO READ AS FOLLOWS:

(1) (a) The local option status of the annexed area may be changed to conform to the city's status after the effective date of this Act on a precinct-by-precinct basis in accordance with the provisions of this subsection. Only the territory within

Amendment No. HFA 2

Rep. Rep. C. Wesley Morgan

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: Mitchell, Mark

Adopted: _____

Date: _____

Rejected: _____

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the annexed area of a precinct shall be aligned to conform to the local option status of the city.

- (b) 1. A petition for an election to conform to the local option status of a precinct that is contained wholly or partly within an annexed area with the city's local option status shall be signed by a number of constitutionally qualified voters of the precinct, equal to twenty-five percent (25%) of the votes cast in the precinct at the last preceding regular election. The petition may consist of one (1) or more separate units, and shall be filed with the county clerk. Once the petition has been filed with the county clerk it shall not be added to.*
- 2. The petition for an election to conform, in addition to the signature and legibly printed name of the voter, shall also state the voter's residence address, year of birth, and the actual date when the voter signed his or her name.*
- 3. No signer may withdraw his or her name or have it taken from the petition for an election to conform after the petition has been filed. If the name of any person has been placed on the petition for an election to conform without that person's authority, the person may appear before the county judge/executive before the election to conform is ordered, and, upon proof that the person's name was placed on the petition for an election to conform without his or her authority, the person's name and the personal information required by subparagraph 2. of this paragraph may be eliminated by an order of the county judge/executive. When the person's name and the personal information required by subparagraph 2. of this paragraph have been eliminated from the petition for an election to conform, he or she shall not be counted as a petitioner.*

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4. A petition for an election to conform the local option status of a precinct that is contained wholly or partly within an annexed area with that of the city's under this section shall state, "We the undersigned registered voters hereby petition for an election on the following question: 'This precinct contains (area annexed), which has been annexed by the city of (city's name). The local option status of (area annexed) is (area's local option status). Are you in favor of changing the local option status of (area annexed) to match that of (city's name), which is (city's local option status)?'". No petition for an election to conform shall be circulated for more than six (6) months prior to its filing.
5. After a petition for an election to conform has been filed in conformity with Section 4(1), (4), and (5) of this Act and Section 5 of this Act, the county judge/executive shall make an order on the order book of the court directing an election to conform shall be placed on the ballot for the next primary or regular election. All constitutionally qualified voters in each precinct that is included, in whole or in part, in the territory annexed may vote in the election.
- (c) The proposition to be voted upon shall be stated without emblems and votes shall designate a "Yes" or a "No" vote. In the election, the form of the proposition shall be, "This precinct contains (area annexed), which has been annexed by the city of (city's name). The local option status of (area annexed) is (area's local option status). Are you in favor of changing the local option status of (area annexed) to match that of (city's name), which is (city's local option status)?'".
- (d) 1. The general election laws, including penalties for violations, shall apply to the election, except where these laws are inconsistent with this chapter.

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2. The cost of the election shall be borne as set out in KRS 242.060.
- (e) Any election held under this subsection shall be held in accordance with Section 4(1), (4) and (5) of this Act, Section 5 of this Act, and KRS 242.060, 242.070, 242.090, 242.110, and 242.120.
- (2) A territory holding an election to conform under this section shall not be deemed the "same territory" under KRS 242.030 for the purposes of a previous local option election."