

1 AN ACT relating to elections.

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

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

4 (1) A petition for an election:

5 (a) Shall be signed by a number of constitutionally qualified voters of the territory
6 to be affected, equal to twenty-five percent (25%) of the votes cast in the
7 territory at the last preceding general election;~~[-The petition]~~

8 (b) May consist of one (1) or more separate units;~~[-and]~~

9 (c) Shall be filed with the county clerk; ***and***

10 ***(d) Shall not be amended once it has been filed with the county clerk.***

11 (2) The petition for election, in addition to the ***signature and legibly printed*** name of
12 the voter, shall state also the voter's residence address, date of birth, and the correct
13 date upon which the voter's name was signed.

14 (3) No signer may withdraw his or her name or have it taken from the petition after the
15 petition has been filed. If the name of any person has been placed on the petition for
16 election without that person's authority, the person may appear before the county
17 judge/executive before the election is ordered and upon proof that the person's name
18 was placed on the petition without his or her authority, the person's name may be
19 eliminated by an order of the county judge/executive. When the person's name has
20 been eliminated, he or she shall not be counted as a petitioner.

21 (4) A petition seeking a local option election under this section shall state "We the
22 undersigned registered voters hereby petition for an election on the following
23 question: 'Are you in favor of the sale of alcoholic beverages in (name of
24 territory)?"'. No petition for a referendum shall be circulated for more than six (6)
25 months prior to its filing.

26 (5) After a petition for election has been filed ***in conformity with this section and***
27 ***Section 2 of this Act,*** the county judge/executive shall make an order on the order

1 book of the court directing **that the local option question be placed on the ballot**
 2 **for the next primary or regular**~~[an]~~ election to be held in that territory.

3 (6) Substantial compliance with the wording designated under this chapter for a
 4 particular type of petition is sufficient to validate the actual wording of the petition.

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

6 (1) ~~[The date of the local option election may be stated in the petition for election. If the~~
 7 ~~date is not stated, it shall be designated by the county judge/executive.~~

8 ~~(2) The local option election shall be held not earlier than sixty (60) nor later than~~
 9 ~~ninety (90) days after the date the petition is filed with the county clerk.~~

10 ~~(3) The local option election shall~~~~[not]~~ be held on the same day that a primary or
 11 **regular**~~[general]~~ election is held in the territory~~[or any part of the territory, nor~~
 12 ~~within thirty (30) days next preceding or following a regular political election].~~

13 ~~(2)~~~~[(4)]~~ A local option election in any territory less than the county shall~~[not]~~ be held
 14 on the same day on which an election for the entire county is held~~[, except as~~
 15 ~~approved in KRS 242.125].~~

16 ~~(3)~~~~[(5)]~~ No local option election shall be held in the same territory more than once in
 17 every three (3) years.

18 **(4) In order for the local option election to be held on the day fixed by law for**
 19 **holding a primary, the petition shall be filed not earlier than the first Wednesday**
 20 **after the first Monday in November of the year preceding the day on which the**
 21 **primary is to be held and not later than the last Tuesday in January preceding the**
 22 **day fixed by law for holding the primary.**

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

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

27 Within five (5) days after the county judge/executive orders an election, the county clerk

1 shall give to the sheriff a certified copy of the order. The sheriff shall have the order
 2 published pursuant to KRS Chapter 424 in the county **not later than two (2) weeks before**
 3 **the election**~~]. When the election is ordered for the entire county, the sheriff shall also~~
 4 ~~advertise the order by written or printed handbills posted at not less than five (5)~~
 5 ~~conspicuous places in each precinct of the county for two (2) weeks before the election,~~
 6 ~~and, when the election is ordered held in a city, district or precinct, at five (5)~~
 7 ~~conspicuous places in each precinct therein for the same length of time. The sheriff shall~~
 8 ~~report in writing to the county judge/executive that the notices have been published and~~
 9 ~~posted].~~

10 ➔Section 4. KRS 242.022 is amended to read as follows:

11 (1) (a) To promote economic development and tourism in any dry or moist county or
 12 city in which a state park is located, a local option election for the limited
 13 sales of alcoholic beverages by the drink may be held in a city or county
 14 precinct where the state park's qualifying lodge or golf course is located,
 15 notwithstanding any other provision of the Kentucky Revised Statutes.

16 (b) A petition seeking a local option election under this section shall state "We
 17 the undersigned registered voters hereby petition for an election under KRS
 18 242.022 on the following question: 'Are you in favor of the sale of alcoholic
 19 beverages by the drink at the state park located in (name of precinct)?"

20 (2) A local option election for the limited sale of alcoholic beverages by the drink held
 21 under subsection (1) of this section shall be conducted in the same manner as
 22 specified in KRS 242.020~~;~~ 242.030~~[(1), (2), and (5)];~~ 242.040~~;~~ and 242.060 to
 23 242.120. The form of the proposition to be voted upon shall be "Are you in favor of
 24 the sale of alcoholic beverages by the drink at the state park located in the (name of
 25 precinct)?"

26 (3) When a majority of the votes cast at an election held under subsections (1) and (2)
 27 of this section are in favor of establishing moist territory, the entire state park shall

1 become moist in the manner specified in KRS 242.200.

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

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

8 (b) A petition seeking a local option election under this section shall state "We
9 the undersigned registered voters hereby petition for an election under this
10 section on the following question: 'Are you in favor of the sale of alcoholic
11 beverages by the drink at qualified historic sites in (name of precinct)?"

12 (2) A local option election for the limited sale of alcoholic beverages by the drink held
13 under subsection (1) of this section shall be conducted in the same manner as
14 specified in KRS 242.020, ~~242.030, (1), (2), and (5);~~ 242.040, ~~242.040,~~ and 242.060 to
15 242.120. The form of the proposition to be voted upon shall be "Are you in favor of
16 the sale of alcoholic beverages by the drink at qualified historic sites in the (name of
17 precinct)?"

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

19 (1) (a) In order to promote economic development and tourism, other provisions of
20 the Kentucky Revised Statutes notwithstanding, a dry or moist city or county
21 may, by petition in accordance with KRS 242.020, hold a local option election
22 on the sale of alcoholic beverages by the drink at restaurants and dining
23 facilities that seat a minimum of fifty (50) persons and derive a minimum of
24 seventy percent (70%) of their gross receipts from the sale of food if alcoholic
25 beverages are purchased in conjunction with a meal. A petition seeking a local
26 option election under this subsection shall state "We the undersigned
27 registered voters hereby petition for an election on the following question:

1 'Are you in favor of the sale of alcoholic beverages by the drink at restaurants
2 and dining facilities with a seating capacity of at least fifty (50) persons and
3 which derive at least seventy percent (70%) of their gross receipts from the
4 sale of food if the alcoholic beverage is purchased in conjunction with a
5 meal?'".

6 (b) The election shall be held in accordance with KRS 242.030~~[(1), (2), and (5)]~~,
7 242.040, and 242.060 to 242.120, and the proposition on the ballot shall state
8 "Are you in favor of the sale of alcoholic beverages by the drink in (name of
9 city or county) at restaurants and dining facilities with a seating capacity of at
10 least fifty (50) persons and which derive at least seventy percent (70%) of
11 their gross receipts from the sale of food if the alcoholic beverage is purchased
12 in conjunction with a meal?". If the majority of the votes in an election held
13 pursuant to this subsection are "Yes," licenses may be issued to qualified
14 restaurants and dining facilities, and the licensees may be regulated and taxed
15 in accordance with KRS 243.072.

16 (2) (a) In order to promote economic development and tourism, other provisions of
17 the Kentucky Revised Statutes notwithstanding, a dry or moist city or county
18 may, by petition in accordance with KRS 242.020, hold a local option election
19 on the sale of alcoholic beverages by the drink at restaurants and dining
20 facilities which seat a minimum of one hundred (100) persons and derive a
21 minimum of seventy percent (70%) of their gross receipts from the sale of
22 food.

23 (b) A petition seeking a local option election under this subsection shall state "We
24 the undersigned registered voters hereby petition for an election on the
25 following question: 'Are you in favor of the sale of alcoholic beverages by the
26 drink in (name of city or county) at restaurants and dining facilities with a
27 seating capacity of at least one hundred (100) persons and which derive at

1 least seventy percent (70%) of their gross receipts from the sale of food?"".

2 (c) The election shall be held in accordance with KRS 242.030~~[(1), (2), and (5)]~~,
3 242.040, and 242.060 to 242.120, and the proposition on the ballot shall state
4 "Are you in favor of the sale of alcoholic beverages by the drink in (name of
5 city or county) at restaurants and dining facilities with a seating capacity of at
6 least one hundred (100) persons and which derive at least seventy percent
7 (70%) of their gross receipts from the sale of food?". If the majority of the
8 votes in an election held pursuant to this subsection are "Yes," licenses may
9 be issued to qualified restaurants and dining facilities and the licensees may be
10 regulated and taxed in accordance with KRS 243.072.

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

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

20 (1) A city shall not be deemed to be the "same territory" as that of a county within the
21 meaning of KRS 242.030 (3)~~[(5)]~~. A city shall have the right to determine its wet or
22 dry status separate from a county's wet or dry status.

23 (2) A dry or moist city may hold a local option election to take the sense of the city
24 residents for establishing the city as a wet territory. If the majority of the votes are
25 in favor of establishing the city as a wet territory, the whole city shall become wet
26 territory by application of KRS 242.200.

27 (3) Once a city votes under this section to become wet territory separate from the

1 county, a countywide local option election establishing the county as dry or moist
2 territory shall not cause the city to become dry or moist territory.

3 (4) A wet city may hold a local option election to take the sense of the city residents for
4 establishing the city as a dry or moist territory. If the majority of the votes are in
5 favor of establishing the city as a dry or moist territory, the whole city shall become
6 dry or moist territory by application of KRS 242.190.

7 (5) If a city votes to become wet territory, a precinct of the city may hold a later
8 election in conformity with this chapter to take the sense of the city precinct
9 residents for establishing the city precinct as a dry or moist territory. If the majority
10 of the votes are in favor of establishing the city precinct as a dry or moist territory,
11 the city precinct shall become dry or moist territory by application of KRS 242.190.

12 (6) If a city precinct becomes dry or moist territory separate from a wet city, the city
13 precinct may hold a later election in conformity with this chapter, to take the sense
14 of the city precinct residents for reestablishing the city precinct as a wet territory. If
15 the majority of the votes are in favor of reestablishing the city precinct as a wet
16 territory, the city precinct shall become wet territory by application of KRS
17 242.200.

18 (7) A dry or moist county containing a wet city may hold a local option election to take
19 the sense of the county residents for establishing the county as a wet territory. If the
20 majority of the votes are in favor of establishing the county as a wet territory, the
21 whole county shall become wet territory by application of KRS 242.200.

22 (8) A wet county containing a wet city by separate city election under this section may
23 hold a local option election to take the sense of the county residents for establishing
24 the county as a dry or moist territory. If the majority of the votes are in favor of
25 establishing the county as a dry or moist territory, the county territory outside the
26 wet city limits shall become dry or moist territory by application of KRS 242.190.

27 (9) Residents of any city, including a separately wet city, are residents of the county,

1 and shall therefore be permitted to sign any petitions for, and vote in, county local
2 option elections under this section.

3 (10) A petition seeking a local option election under this section shall state "We the
4 undersigned registered voters hereby petition for an election on the following
5 question: 'Are you in favor of the sale of alcoholic beverages in (name of county,
6 city, or precinct)?".

7 (11) In any local option election under this section, the proposition to be voted upon
8 shall state "Are you in favor of the sale of alcoholic beverages in (name of county,
9 city, or city precinct)?".

10 (12) The status of any moist territory approving limited alcoholic beverage sales through
11 a previous election held under KRS 242.123, 242.124, 242.1242, and 242.1244, or
12 any other limited local option election, shall not be affected by any outcome of any
13 election held under this section. A territory's moist status may only be changed by a
14 local option election on the original same moist election proposition.

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

16 (1) The provisions of this section shall be applicable only in any city with a population
17 equal to or greater than twenty thousand (20,000) based upon the most recent
18 federal decennial census notwithstanding any other provisions of this chapter
19 relating to the wet or moist status in any county, city, or territory which may be to
20 the contrary.

21 (2) In any city meeting the population requirements of subsection (1) of this section that
22 is dry or moist in all or part of the city, and upon a determination that an economic
23 hardship exists in one (1) or more of the voting precincts of the city in the manner
24 prescribed in subsection (11) of this section, the governing body of the city shall by
25 ordinance designate the precinct or precincts as a limited sale precinct or precincts
26 and shall provide for an election to be held in the precinct or precincts to take the
27 sense of the people of each precinct as to making that precinct wet territory. A

1 petition seeking a local option election under this section shall state "We the
2 undersigned registered voters hereby petition for an election on the following
3 question: 'Are you in favor of the sale of alcoholic beverages in (official name of
4 precinct)?'".

5 (3) The election shall be held in the precinct or precincts in the manner prescribed in
6 this chapter. The election shall not be deemed to be an election in the "same
7 territory" within the meaning of ~~subsection (5) of~~ KRS 242.030(3).

8 (4) The question shall be presented to the voters in conformance with the requirements
9 of KRS 242.050 except that the form of the proposition shall be, "Are you in favor
10 of the sale of alcoholic beverages in (official name and designation of precinct)?".

11 (5) If a majority of the votes cast in any limited sale precinct in which an election is
12 held under this section are in favor of the sale of alcoholic beverages in that
13 precinct, the governing body of the city shall by ordinance create or provide for the
14 office of city alcoholic beverage control administrator.

15 (6) The governing body of the city shall adopt the comprehensive regulatory ordinance
16 covering the licensing and operation of establishments for the sale of alcoholic
17 beverages, including, but not limited to, distilled spirits and malt beverages, within
18 a limited sale precinct as set forth in this section. In relation to the ordinances
19 established by a city meeting the population requirements of subsection (1) of this
20 section under this subsection and subsection (7) of this section, review by the board,
21 if any, shall be limited to a determination that the ordinances do not exceed the
22 limits established for sale by statute, or administrative regulations promulgated by
23 the board under those statutes. In its discretion the governing body shall provide
24 without review by the board that:

25 (a) Only three (3) licenses permitting the package sale at retail of alcoholic
26 beverages shall be granted within the territorial limits of any limited sale
27 precinct.

1 (b) Only four (4) licenses to sell alcoholic beverages by the drink for consumption
2 on the premises by the general public shall be granted in any one (1) limited
3 sale precinct. One (1) license in each limited sale precinct may be reserved for
4 any newly established hotel, motel, or inn containing not less than fifty (50)
5 sleeping units and having dining facilities for not less than one hundred (100)
6 persons. The remaining three (3) licenses may be granted to a hotel, motel, or
7 inn meeting the aforesated requirements or to bona fide restaurants open to
8 the general public having dining facilities for not less than one hundred (100)
9 persons. Additional licenses to sell alcoholic beverages by the drink for
10 consumption on the premises may be granted to social membership clubs
11 established and maintained for the benefit of members of bona fide fraternal
12 or veterans organizations.

13 (7) The governing body of the city may also incorporate in the regulatory ordinance any
14 other reasonable rules and regulations as it deems, necessary or desirable for the
15 proper administration and enforcement of this section, for the maintenance of public
16 order in a limited sale precinct, and for the issuance of any licenses permitted by
17 KRS 243.070.

18 (8) Notwithstanding any limitations imposed on the city's taxing or licensing power by
19 KRS 243.070, once any limited sale precinct has been established as wet territory,
20 the governing body of the city may impose a regulatory license fee upon the gross
21 receipts of each establishment located therein and licensed to sell alcoholic
22 beverages. The regulatory license fee may be levied at the beginning of each city
23 budget period at the percentage rate as shall be reasonably estimated to fully
24 reimburse the city for the estimated costs of any additional policing, regulatory, or
25 administrative expenses related to the sale of alcoholic beverages in the city. The
26 regulatory license fee shall be in addition to any other taxes, fees, or licenses
27 permitted by law, but a credit against the fee shall be allowed in an amount equal to

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

2 (9) Subject to the limitation imposed by subsection (3) of this section, no provision
3 contained in this section providing for the establishment of a limited sale precinct
4 shall preclude or abridge the right of the constitutionally qualified voters of the
5 precinct to petition for a subsequent election on the same question.

6 (10) If an election is held pursuant to other provisions of KRS Chapter 242 in the city or
7 the county in which a limited sale precinct is located for the purpose of taking the
8 sense of the voters upon the question of the entire city or the entire county
9 becoming dry, wet, or moist, the status of that question in a limited sale precinct
10 shall be determined in the following manner:

11 (a) The status of a limited sale precinct shall not be affected by any election for
12 the entire city or the entire county if the limited sale precinct was established
13 less than five (5) years prior to the date of the proposed election for the entire
14 city or the entire county and if so the voters of any limited sale precinct shall
15 not vote in the election.

16 (b) If the limited sale precinct was established more than five (5) years prior to the
17 date of the proposed election for the entire city or the entire county, the voters
18 within each limited sale precinct shall be presented with the question, "Are
19 you in favor of continuing the sale of alcoholic beverages in (official name
20 and designation of precinct) as a limited sale precinct?". No other question
21 shall be presented to the voters of any limited sale precinct.

22 (c) The votes of each limited sale precinct shall be counted separately, and, if a
23 majority of the votes cast in the limited sale precinct are in favor of continuing
24 the sale of alcoholic beverages therein as a limited sale precinct, then the
25 status shall continue within the precinct, except that if the city or the county in
26 which the limited sale precinct is located votes wet in the remainder of the city
27 or the county, the limited sale precinct status of any precinct may be

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

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

7 (a) The governing body determines to its satisfaction that the general trade,
8 business, and economy of one (1) or more of the precincts within the city is
9 substantially, adversely affected by the legal sale of alcoholic beverages in any
10 neighboring or adjoining state, county, city, town, district, or precinct. For the
11 purpose of making this determination, the governing body may hold hearings,
12 examine witnesses, or receive evidence as it believes necessary or desirable
13 for the purpose; or

14 (b) The governing body receives a petition signed by a number of constitutionally
15 qualified voters of a precinct equal to thirty-three percent (33%) of the votes
16 cast in the precinct at the last preceding general election requesting the
17 governing body of the city to designate the precinct as a limited sale precinct.
18 The petition may consist of one (1) or more separate units and shall be filed
19 with the mayor of the city. In addition to the name of the voter, the petition
20 shall also state his or her post office address and the correct date upon which
21 his or her name is signed. Upon receipt of the petition, the mayor shall present
22 it to the governing body of the city at its next regularly scheduled meeting and,
23 after verifying that the petition is in compliance with the requirements of this
24 section, the governing body shall forthwith by ordinance designate the
25 precinct to be a limited sale precinct.