

1 AN ACT relating to recall petitions.

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

3 ➔Section 1. KRS 132.017 is amended to read as follows:

- 4 (1) As used in this section, "local governmental entity" includes a county fiscal court  
5 and legislative body of a city, urban-county government, consolidated local  
6 government, charter county government, unified local government, or other taxing  
7 district.
- 8 (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, the portion of a  
9 tax rate levied by an ordinance, order, resolution, or motion of a local  
10 governmental entity or district board of education subject to recall as  
11 provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go  
12 into effect forty-five (45) days after its passage.
- 13 2. When a tax rate is levied by a district board of education or other taxing  
14 district that is primarily located in a county containing an urban-county  
15 government or a consolidated local government, the portion of a tax rate  
16 levied by an ordinance, order, resolution, or motion of a district board of  
17 education or other taxing district subject to recall as provided for in KRS  
18 68.245, 132.023, 132.027, and 160.470, shall go into effect fifty (50)  
19 days after its passage.
- 20 (b) During the same forty-five (45) day or fifty (50) day time period provided by  
21 paragraph (a) of this subsection, any five (5) qualified voters, who reside in  
22 the area where the tax levy will be imposed, may commence petition  
23 proceedings to protest the passage of the ordinance, order, resolution, or  
24 motion by filing an affidavit with the county clerk. The affidavit shall state:
- 25 1. The five (5) qualified voters constitute the members of the petition  
26 committee;
- 27 2. The petition committee will be responsible for circulating the petition;

- 1           3. The petition committee will file the petition in the proper form within
- 2           the same forty-five (45) day or fifty (50) day time period provided by
- 3           paragraph (a) of this subsection;
- 4           4. The names and addresses of the petition committee members;
- 5           5. The address to which all notices to the committee are to be sent; and
- 6           6. For petition committees filing petitions in response to a tax rate levied
- 7           by a district board of education or other taxing district that is primarily
- 8           located in a county containing an urban-county government or a
- 9           consolidated local government, whether or not the petition committee is
- 10          willing to incur all of the expenses associated with electronic petition
- 11          signatures. If the petition committee is not willing to incur all of the
- 12          expenses, then electronic petition signatures shall not be allowed for the
- 13          petition.

- 14          (c) Upon receipt of the affidavit, the county clerk shall immediately:
- 15           1. Notify the petition committee of all statutory requirements for the filing
- 16           of a valid petition under this section;
- 17           2. Notify the petition committee that the clerk will publish a notice
- 18           identifying the tax levy being challenged and providing the names and
- 19           addresses of the petition committee in a newspaper of general circulation
- 20           within the county, if:
- 21           a. There is a newspaper within the county in which to publish the
- 22           notice; and
- 23           b. The petition committee remits an amount equal to the cost of
- 24           publishing the notice determined in accordance with the provisions
- 25           of KRS 424.160 at the time of the filing of the affidavit.

26           If the petition committee elects to have the notice published, the clerk  
27           shall publish the notice within five (5) days of receipt of the affidavit;

1                   and

2                   3.    Deliver a copy of the affidavit to the appropriate local governmental  
3                   entity or district board of education.

4                   (d)   The petition shall be filed with the county clerk within the same forty-five  
5                   (45) day or fifty (50) day time period provided by paragraph (a) of this  
6                   subsection and meet the following requirements:

7                   1.    All papers of the petition shall be substantially uniform in size and style  
8                   and shall be assembled in one (1) instrument for filing;

9                   2.    For a district board of education or other taxing district that is primarily  
10                  located in a county containing an urban-county government or a  
11                  consolidated local government, each sheet of the petition may contain  
12                  the names of voters from more than one (1) voting precinct, and for a  
13                  district board of education or other taxing district that is not primarily  
14                  located in a county containing an urban-county government or a  
15                  consolidated local government, each sheet of the petition shall contain  
16                  the names of voters from one (1) voting precinct;

17                  3.    Each nonelectronic petition signature shall be executed in ink or  
18                  indelible pencil;

19                  4.    Each electronic petition signature shall comply with the requirements of  
20                  the Uniform Electronic Transactions Act, KRS 369.101 to 369.120;

21                  5.    Each electronic and nonelectronic petition signature shall be followed by  
22                  the printed name, street address, Social Security number or ***birth***  
23                  ***month***[~~birth date~~], and the name and number of the designated voting  
24                  precinct of the person signing; and

25                  6.    a.   The petition shall be signed by a number of registered and  
26                  qualified voters residing in the affected jurisdiction equal to at  
27                  least ten percent (10%) of the total number of votes cast in the last

1 preceding presidential election.

2 **b.** Electronic petition signatures shall be included in determining  
3 whether the required number of petition signatures has been  
4 obtained when the expenses associated with the electronic petition  
5 signatures have been incurred in accordance with paragraph (b)6.  
6 of this subsection, the electronic petition signatures comply with  
7 the requirements of this subsection, and the petition was filed in  
8 response to a tax rate levied by a district board of education or  
9 other taxing district that is primarily located in a county containing  
10 an urban-county government or a consolidated local government.  
11 The inclusion of an invalid electronic or nonelectronic petition  
12 signature on a page shall not invalidate the entire page of the  
13 petition, but shall instead result in the invalid petition signature  
14 being stricken and not counted.

15 **c.** **Notwithstanding subdivision (a), of this subparagraph if a**  
16 **petition is filed in response to a tax rate levied by a district board**  
17 **of education, the petition shall be signed by at least five thousand**  
18 **(5,000) registered and qualified voters residing in the affected**  
19 **jurisdiction, or signed by a number of registered and qualified**  
20 **voters residing in the affected jurisdiction equal to at least ten**  
21 **percent (10%) of the total number of votes cast in the last**  
22 **preceding presidential election, whichever is less.**

23 (e) Upon the filing of the petition with the county clerk, the ordinance, order,  
24 resolution, or motion shall be suspended from going into effect until after the  
25 election referred to in subsection (3) of this section is held, or until the petition  
26 is finally determined to be insufficient and no further action may be taken  
27 pursuant to paragraph (i) of this subsection.

- 1 (f) The county clerk shall immediately notify the presiding officer of the  
2 appropriate local governmental entity or district board of education that the  
3 petition has been received and shall, within thirty (30) days of the receipt of  
4 the petition, make a determination of whether the petition contains enough  
5 signatures of qualified voters to place the ordinance, order, resolution, or  
6 motion before the voters.
- 7 (g) If the county clerk finds the petition to be sufficient, the clerk shall certify to  
8 the petition committee and the local governmental entity or district board of  
9 education within the thirty (30) day period provided for in paragraph (f) of this  
10 subsection that the petition is properly presented and in compliance with the  
11 provisions of this section, and that the ordinance, order, resolution, or motion  
12 levying the tax will be placed before the voters for approval.
- 13 (h) If the county clerk finds the petition to be insufficient, the clerk shall, within  
14 the thirty (30) day period provided for in paragraph (f) of this subsection,  
15 notify, in writing, the petition committee and the local governmental entity or  
16 district board of education of the specific deficiencies found. Notification  
17 shall be sent by certified mail and shall be published at least one (1) time in a  
18 newspaper of general circulation within the county containing the local  
19 governmental entity or district board of education levying the tax. If there is  
20 not a newspaper within the county in which to publish the notification, then  
21 the notification shall be posted at the courthouse door.
- 22 (i) A final determination of the sufficiency of a petition shall be subject to final  
23 review by the Circuit Court of the county in which the local governmental  
24 entity or district board of education is located, and shall be limited to the  
25 validity of the county clerk's determination. Any petition challenging the  
26 county clerk's final determination shall be filed within ten (10) days of the  
27 issuance of the clerk's final determination.

- 1 (j) The local governmental entity or district board of education may cause the  
2 cancellation of the election by reconsidering and amending the ordinance,  
3 order, resolution, or motion to levy a tax rate which will produce no more  
4 revenue from real property, exclusive of revenue from new property as  
5 defined in KRS 132.010, than four percent (4%) over the amount of revenue  
6 produced by the compensating tax rate defined in KRS 132.010 from real  
7 property. The action by the local governmental entity or district board of  
8 education shall be valid only if taken within fifteen (15) days following the  
9 date the clerk finds the petition to be sufficient.
- 10 (3) (a) If an election is necessary under the provisions of subsection (2) of this  
11 section, the local governmental entity shall cause to be submitted to the voters  
12 of the district at the next regular election, the question as to whether the  
13 property tax rate shall be levied. The question shall be submitted to the county  
14 clerk not later than the second Tuesday in August preceding the regular  
15 election.
- 16 (b) If an election is necessary for a school district under the provisions of  
17 subsection (2) of this section, the district board of education may cause to be  
18 submitted to the voters of the district in a called common school election not  
19 less than thirty-five (35) days nor more than forty-five (45) days from the date  
20 the signatures on the petition are validated by the county clerk, or at the next  
21 regular election, at the option of the district board of education, the question  
22 as to whether the property tax rate shall be levied. If the election is held in  
23 conjunction with a regular election, the question shall be submitted to the  
24 county clerk not later than the second Tuesday in August preceding the regular  
25 election. The cost of a called common school election shall be borne by the  
26 school district holding the election. Any called common school election shall  
27 comply with the provisions of KRS 118.025.

- 1 (c) In an election held under paragraph (a) or (b) of this subsection, the question  
2 shall be so framed that the voter may by his or her vote answer "for" or  
3 "against." If a majority of the votes cast upon the question oppose its passage,  
4 the ordinance, order, resolution, or motion shall not go into effect. If a  
5 majority of the votes cast upon the question favor its passage, the ordinance,  
6 order, resolution, or motion shall become effective.
- 7 (d) If the ordinance, order, resolution, or motion fails to pass pursuant to an  
8 election held under paragraph (a) or (b) of this subsection, the property tax  
9 rate which will produce four percent (4%) more revenues from real property,  
10 exclusive of revenue from new property as defined in KRS 132.010, than the  
11 amount of revenue produced by the compensating tax rate defined in KRS  
12 132.010, shall be levied without further approval by the local governmental  
13 entity or district board of education.
- 14 (4) Notwithstanding any statutory provision to the contrary, if a local governmental  
15 entity or district board of education has not established a final tax rate as of  
16 September 15, due to the recall provisions of this section, KRS 68.245, 132.027, or  
17 160.470, regular tax bills shall be prepared as required in KRS 133.220 for all  
18 districts having a tax rate established by that date; and a second set of bills shall be  
19 prepared and collected in the regular manner, according to the provisions of KRS  
20 Chapter 132, upon establishment of final tax rates by the remaining districts.
- 21 (5) If a second billing is necessary, the collection period shall be extended to conform  
22 with the second billing date.
- 23 (6) All costs associated with the second billing shall be paid by the taxing district or  
24 districts requiring the second billing.