

1 AN ACT relating to prohibited uses of tax dollars and resources.

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

3 ➔Section 1. KRS 65.013 is amended to read as follows:

4 **(1) As used in this section:**

5 **(a)** ~~[Local, state, and federal tax dollars shall not be used to advocate, in partial~~
6 ~~terms, for or against any public question that appears on the ballot. For~~
7 ~~purposes of this section,]~~ "Local" means~~[and includes]~~ any city, county,
8 urban-county government, consolidated local government, unified local
9 government, charter county government, **school district**, or special district;

10 **(b) "Resources" means any:**

11 **1. Moneys appropriated by the General Assembly;**

12 **2. Items of value, facilities, materials, and other physical resources**
13 **derived from local, state, or federal tax dollars, including but not**
14 **limited to computers, copiers, printers, paper, office supplies, and**
15 **buildings;**

16 **3. Digital resources derived from or supported by local, state, or federal**
17 **tax dollars, including but not limited to any official website, email**
18 **account, or social media account;**

19 **4. Classified and unclassified employees, and other human resources**
20 **within the scope of their state employment; or**

21 **5. Employees and other human resources within the scope of their**
22 **school district employment; and**

23 **(c) "School district" means any:**

24 **1. County school district as defined in KRS 160.010;**

25 **2. Independent school district as defined in KRS 160.020; or**

26 **3. Regional educational cooperative organization formed by local boards**
27 **of education or other public educational institutions listed in KRS**

1 161.220(4), for the purpose of providing educational services to the
 2 participating organizations.

3 (2) Local, state, and federal tax dollars and resources shall not be used to advocate,
 4 in partial or impartial terms, for or against any public question that appears on
 5 the ballot.

6 (3) Any person who violates subsection (2) of this section shall be:

7 (a) Fined five hundred dollars (\$500) for the first offense;

8 (b) Fined one thousand dollars (\$1,000) for the second offense; and

9 (c) Guilty of a Class A misdemeanor and fined one thousand dollars (\$1,000)
 10 for each subsequent offense.

11 (4) This section shall not prohibit a public employee who is not otherwise prohibited
 12 under another provision of law, from advocating for or against a public question
 13 appearing on the ballot on his or her personal time using nongovernment
 14 resources.

15 (5) This section shall not apply to:

16 (a) Educational television operating in accordance with KRS Chapter 168, so
 17 long as equal opportunity is given to both sides of the public question; or

18 (b) An association advocating for a ballot initiative that directly applies to its
 19 members.

20 ➔Section 2. KRS 48.025 is amended to read as follows:

21 (1) As used in~~[Local, state, and federal tax dollars shall not be used to advocate, in~~
 22 ~~partial terms, for or against any public question that appears on the ballot. For~~
 23 ~~purposes of] this section:~~

24 (a) [,"] "Local" has the same meaning as in Section 1 of this Act; and

25 (b) "Resources" has the same meaning as in Section 1 of this Act~~[means and~~
 26 ~~includes any city, county, urban county government, consolidated local~~
 27 ~~government, unified local government, charter county government, or special~~

1 district}.

2 **(2) Local, state, and federal tax dollars and resources shall not be used to advocate,**
 3 **in partial or impartial terms, for or against any public question that appears on**
 4 **the ballot.**

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

6 (1) As used in this section:

7 (a) "Local governmental entity" includes a county fiscal court and legislative
 8 body of a city, urban-county government, consolidated local government,
 9 charter county government, unified local government, or other taxing district;
 10 and

11 (b) "Next regular election" means the regular election that occurs immediately
 12 after all statutory requirements for levying a property tax rate have been met,
 13 regardless of whether the election occurs in the same or a subsequent calendar
 14 year as the levy of the property tax rate.

15 (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, the portion of a
 16 tax rate levied by an ordinance, order, resolution, or motion of a local
 17 governmental entity or district board of education subject to recall as
 18 provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go
 19 into effect forty-five (45) days after its passage.

20 2. When a tax rate is levied by a district board of education or other taxing
 21 district that is primarily located in a county containing an urban-county
 22 government or a consolidated local government, the portion of a tax rate
 23 levied by an ordinance, order, resolution, or motion of a district board of
 24 education or other taxing district subject to recall as provided for in KRS
 25 68.245, 132.023, 132.027, and 160.470, shall go into effect fifty (50)
 26 days after its passage.

27 (b) During the same forty-five (45) day or fifty (50) day time period provided by

1 paragraph (a) of this subsection, any three (3) qualified voters, who reside in
2 the area where the tax levy will be imposed, may commence petition
3 proceedings to protest the passage of the ordinance, order, resolution, or
4 motion by filing an affidavit with the county clerk. The affidavit shall state:

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

21 (c) Upon receipt of the affidavit, the county clerk shall immediately:

- 22 1. Notify the petition committee of all statutory requirements for the filing
23 of a valid petition under this section;
- 24 2. Notify the petition committee that the clerk will publish a notice
25 identifying the tax levy being challenged and providing the names and
26 addresses of the petition committee in a newspaper of general
27 circulation within the county, if:

- 1 a. There is a newspaper within the county in which to publish the
2 notice; and
- 3 b. The petition committee remits an amount equal to the cost of
4 publishing the notice determined in accordance with the provisions
5 of KRS 424.160 at the time of the filing of the affidavit.

6 If the petition committee elects to have the notice published, the clerk
7 shall publish the notice within five (5) days of receipt of the affidavit;
8 and

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

11 (d) The petition shall meet the following requirements:

- 12 1. All papers of the petition shall be substantially uniform in size and style
13 and shall be assembled in one (1) instrument for filing;
- 14 2. Each sheet of the petition may contain the names of voters from more
15 than one (1) voting precinct;
- 16 3. Each nonelectronic petition signature shall be executed in ink or
17 indelible pencil;
- 18 4. Each electronic petition signature shall comply with the requirements of
19 the Uniform Electronic Transactions Act, KRS 369.101 to 369.120;
- 20 5. Each petition signature shall be followed by the printed name, street
21 address, birth month, and birth year of the person signing; and
- 22 6. a. i. Except for petitions filed in response to a tax rate levied by a
23 district board of education, the petition shall be signed by a
24 number of registered and qualified voters residing in the
25 affected jurisdiction equal to at least ten percent (10%) of the
26 total number of votes cast in the last preceding presidential
27 election.

- 1 ii. For petitions filed in response to a tax rate levied by a district
2 board of education, the petition shall be signed by at least
3 five thousand (5,000) registered and qualified voters residing
4 in the affected jurisdiction or signed by a number of
5 registered and qualified voters residing in the affected
6 jurisdiction equal to at least ten percent (10%) of the total
7 number of votes cast in the last preceding presidential
8 election, whichever is less.
- 9 b. Electronic petition signatures shall be included in determining
10 whether the required number of petition signatures has been
11 obtained when:
- 12 i. The expenses associated with the electronic petition
13 signatures have been incurred in accordance with paragraph
14 (b)6. of this subsection;
- 15 ii. The electronic petition signatures comply with the
16 requirements of this subsection; and
- 17 iii. The petition was filed in response to a tax rate levied by a
18 district board of education or other taxing district that is
19 primarily located in a county containing an urban-county
20 government or a consolidated local government.
- 21 c. The inclusion of an invalid petition signature on a page shall not
22 invalidate the entire page of the petition, but shall instead result in
23 the invalid petition signature being stricken and not counted.
- 24 (e) Upon the filing of the petition with the county clerk, the ordinance, order,
25 resolution, or motion shall be suspended from going into effect until after the
26 election referred to in subsection (3) of this section is held, or until the
27 petition is finally determined to be insufficient and no further action may be

1 taken pursuant to paragraph (i) of this subsection.

2 (f) The county clerk shall immediately notify the presiding officer of the
3 appropriate local governmental entity or district board of education that the
4 petition has been received and shall, within thirty (30) days of the receipt of
5 the petition, make a determination of whether the petition contains enough
6 signatures of qualified voters to place the ordinance, order, resolution, or
7 motion before the voters.

8 (g) If the county clerk finds the petition to be sufficient, the clerk shall certify to
9 the petition committee and the local governmental entity or district board of
10 education within the thirty (30) day period provided for in paragraph (f) of
11 this subsection that the petition is properly presented and in compliance with
12 the provisions of this section, and that the ordinance, order, resolution, or
13 motion levying the tax will be placed before the voters for approval.

14 (h) If the county clerk finds the petition to be insufficient, the clerk shall, within
15 the thirty (30) day period provided for in paragraph (f) of this subsection,
16 notify, in writing, the petition committee and the local governmental entity or
17 district board of education of the specific deficiencies found. Notification
18 shall be sent by certified mail and shall be published at least one (1) time in a
19 newspaper of general circulation within the county containing the local
20 governmental entity or district board of education levying the tax. If there is
21 not a newspaper within the county in which to publish the notification, then
22 the notification shall be posted at the courthouse door.

23 (i) A final determination of the sufficiency of a petition shall be subject to final
24 review by the Circuit Court of the county in which the local governmental
25 entity or district board of education is located, and shall be limited to the
26 validity of the county clerk's determination. Any petition challenging the
27 county clerk's final determination shall be filed within ten (10) days of the

1 issuance of the clerk's final determination.

2 (j) The local governmental entity or district board of education may cause the
3 cancellation of the election by reconsidering and amending the ordinance,
4 order, resolution, or motion to levy a tax rate which will produce no more
5 revenue from real property, exclusive of revenue from new property as
6 defined in KRS 132.010, than four percent (4%) over the amount of revenue
7 produced by the compensating tax rate defined in KRS 132.010 from real
8 property. The action by the local governmental entity or district board of
9 education shall be valid only if taken within fifteen (15) days following the
10 date the clerk finds the petition to be sufficient.

11 (3) (a) If an election is necessary under the provisions of subsection (2) of this
12 section:

13 1. The local governmental entity shall cause to be submitted to the voters
14 of the district at the next regular election, the question as to whether the
15 property tax rate shall be levied; or

16 2. The district board of education shall cause to be submitted to the voters
17 of the district in a called common school election not less than thirty-
18 five (35) days nor more than forty-five (45) days from the date the
19 signatures on the petition are validated by the county clerk, or at the next
20 regular election, at the option of the district board of education, the
21 question as to whether the property tax rate shall be levied. The cost of a
22 called common school election shall be borne by the school district
23 holding the election. Any called common school election shall comply
24 with the provisions of KRS 118.025.

25 (b) If an election under paragraph (a) of this subsection is held in conjunction
26 with a regular election, the question as to whether the property tax rate shall
27 be levied shall be submitted to the county clerk no later than the second

1 Tuesday in August preceding the regular election.

2 (c) In an election held under paragraph (a) of this subsection, the question shall
3 be framed to ask whether the voter is for the levy of the property tax rate. If a
4 majority of the votes cast upon the question oppose its passage, the ordinance,
5 order, resolution, or motion shall not go into effect. If a majority of the votes
6 cast upon the question favor its passage, the ordinance, order, resolution, or
7 motion shall become effective.

8 (d) If the ordinance, order, resolution, or motion fails to pass pursuant to an
9 election held under paragraph (a) of this subsection, the property tax rate
10 which will produce four percent (4%) more revenues from real property,
11 exclusive of revenue from new property as defined in KRS 132.010, than the
12 amount of revenue produced by the compensating tax rate defined in KRS
13 132.010, shall be levied without further approval by the local governmental
14 entity or district board of education.

15 (e) **1. As used in**~~Local, state, and federal tax dollars shall not be used to~~
16 ~~advocate, in partial terms, for or against any public question that appears~~
17 ~~on the ballot in this subsection. For purposes of~~ this
18 **paragraph:**~~[section,]~~

19 **a. "Local" has the same meaning as in Section 1 of this Act; and**

20 **b. "Resources" has the same meaning as in Section 1 of this**
21 ~~Act~~~~[means and includes any city, county, urban county~~
22 ~~government, consolidated local government, unified local~~
23 ~~government, charter county, or special district].~~

24 **2. Local, state, and federal tax dollars and resources shall not be used to**
25 **advocate, in partial or impartial terms, for or against any public**
26 **question that appears on the ballot.**

27 (4) Notwithstanding any statutory provision to the contrary, if a local governmental

1 entity or district board of education has not established a final tax rate as of
2 September 15, due to the recall provisions of this section, KRS 68.245, 132.027, or
3 160.470, regular tax bills shall be prepared as required in KRS 133.220 for all
4 districts having a tax rate established by that date; and a second set of bills shall be
5 prepared and collected in the regular manner, according to the provisions of KRS
6 Chapter 132, upon establishment of final tax rates by the remaining districts.

7 (5) If a second billing is necessary, the collection period shall be extended to conform
8 with the second billing date.

9 (6) All costs associated with the second billing shall be paid by the taxing district or
10 districts requiring the second billing.