

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 or social**
18 **media account;**

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

22 **5. Employees, volunteers, and other human resources within the scope of**
23 **their school district employment or volunteerism; and**

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

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

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

27 **3. Regional educational cooperative organization formed by local boards**

1 of education or other public educational institutions listed in KRS
2 161.220(4), for the purpose of providing educational services to the
3 participating organizations.

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

7 (3) (a) Any person who violates subsection (2) of this section shall be guilty of a
8 Class D felony.

9 (b) Any person convicted of a violation of subsection (2) of this section shall be
10 prohibited from holding a position of public trust or profit within the
11 Commonwealth for a period of ten (10) years, commencing upon the
12 completion of all other criminal penalties ordered by the court against the
13 liable defendant.

14 (4) (a) Any citizen of the Commonwealth aggrieved by a violation of subsection (2)
15 of this section shall have a cause of action in the Circuit Court of the county
16 in which the violation occurred, in the Circuit Court of the county in which
17 a claimant resides, or in Franklin Circuit Court, within one (1) year of the
18 date the cause of action accrued.

19 (b) A cause of action pursuant to paragraph (a) of this subsection may be
20 asserted against any entity in the Commonwealth, or any of its agents who
21 approved of or participated in the violation, for damages arising from the
22 violation. The cause of action shall be deemed to have accrued at the time in
23 which funds are used as described in subsection (2) of this section or in
24 which a claimant receives the product of the expenditure, whichever occurs
25 later.

26 (c) If multiple claimants commence a cause of action pursuant to paragraph
27 (a) of this subsection, the cause of action shall be maintained as a class

1 action in accordance with Rules 23.01, 23.02, and 23.03 of the Kentucky
2 Rules of Civil Procedure.

3 (d) Any prevailing claimant may assert any such violation as a claim or defense
4 in a judicial or administrative proceeding and obtain appropriate relief,
5 including but not limited to injunctive or declaratory relief, litigation costs,
6 and attorney's fees.

7 (e) Any person who is found civilly liable for a violation of subsection (2) of
8 this section shall be prohibited from holding a position of public trust or
9 profit within the Commonwealth for a period of ten (10) years, commencing
10 upon the completion of all other civil penalties ordered by the court against
11 the liable defendant.

12 (f) Exclusively for purposes of this subsection, sovereign and governmental
13 immunity are waived.

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

15 (1) As used in~~[Local, state, and federal tax dollars shall not be used to advocate, in~~
16 ~~partial terms, for or against any public question that appears on the ballot. For~~
17 ~~purposes of] this section;[;]~~ "local" has the same meaning as in Section 1 of
18 this Act; and

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

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

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

27 (1) As used in this section:

1 (a) "Local governmental entity" includes a county fiscal court and legislative
2 body of a city, urban-county government, consolidated local government,
3 charter county government, unified local government, or other taxing district;
4 and

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

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

14 2. When a tax rate is levied by a district board of education or other taxing
15 district that is primarily located in a county containing an urban-county
16 government or a consolidated local government, the portion of a tax rate
17 levied by an ordinance, order, resolution, or motion of a district board of
18 education or other taxing district subject to recall as provided for in KRS
19 68.245, 132.023, 132.027, and 160.470, shall go into effect fifty (50)
20 days after its passage.

21 (b) During the same forty-five (45) day or fifty (50) day time period provided by
22 paragraph (a) of this subsection, any three (3) qualified voters, who reside in
23 the area where the tax levy will be imposed, may commence petition
24 proceedings to protest the passage of the ordinance, order, resolution, or
25 motion by filing an affidavit with the county clerk. The affidavit shall state:

26 1. The three (3) qualified voters constitute the members of the petition
27 committee;

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

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

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

27 If the petition committee elects to have the notice published, the clerk

1 shall publish the notice within five (5) days of receipt of the affidavit;
2 and

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

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

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

8 2. Each sheet of the petition may contain the names of voters from more
9 than one (1) voting precinct;

10 3. Each nonelectronic petition signature shall be executed in ink or
11 indelible pencil;

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

14 5. Each petition signature shall be followed by the printed name, street
15 address, birth month, and birth year of the person signing; and

16 6. a. i. Except for petitions filed in response to a tax rate levied by a
17 district board of education, the petition shall be signed by a
18 number of registered and qualified voters residing in the
19 affected jurisdiction equal to at least ten percent (10%) of the
20 total number of votes cast in the last preceding presidential
21 election.

22 ii. For petitions filed in response to a tax rate levied by a district
23 board of education, the petition shall be signed by at least
24 five thousand (5,000) registered and qualified voters residing
25 in the affected jurisdiction or signed by a number of
26 registered and qualified voters residing in the affected
27 jurisdiction equal to at least ten percent (10%) of the total

1 number of votes cast in the last preceding presidential
2 election, whichever is less.

3 b. Electronic petition signatures shall be included in determining
4 whether the required number of petition signatures has been
5 obtained when:

6 i. The expenses associated with the electronic petition
7 signatures have been incurred in accordance with paragraph
8 (b)6. of this subsection;

9 ii. The electronic petition signatures comply with the
10 requirements of this subsection; and

11 iii. The petition was filed in response to a tax rate levied by a
12 district board of education or other taxing district that is
13 primarily located in a county containing an urban-county
14 government or a consolidated local government.

15 c. The inclusion of an invalid petition signature on a page shall not
16 invalidate the entire page of the petition, but shall instead result in
17 the invalid petition signature being stricken and not counted.

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

23 (f) The county clerk shall immediately notify the presiding officer of the
24 appropriate local governmental entity or district board of education that the
25 petition has been received and shall, within thirty (30) days of the receipt of
26 the petition, make a determination of whether the petition contains enough
27 signatures of qualified voters to place the ordinance, order, resolution, or

1 motion before the voters.

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

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

17 (i) A final determination of the sufficiency of a petition shall be subject to final
18 review by the Circuit Court of the county in which the local governmental
19 entity or district board of education is located, and shall be limited to the
20 validity of the county clerk's determination. Any petition challenging the
21 county clerk's final determination shall be filed within ten (10) days of the
22 issuance of the clerk's final determination.

23 (j) The local governmental entity or district board of education may cause the
24 cancellation of the election by reconsidering and amending the ordinance,
25 order, resolution, or motion to levy a tax rate which will produce no more
26 revenue from real property, exclusive of revenue from new property as
27 defined in KRS 132.010, than four percent (4%) over the amount of revenue

1 produced by the compensating tax rate defined in KRS 132.010 from real
2 property. The action by the local governmental entity or district board of
3 education shall be valid only if taken within fifteen (15) days following the
4 date the clerk finds the petition to be sufficient.

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

- 7 1. The local governmental entity shall cause to be submitted to the voters
8 of the district at the next regular election, the question as to whether the
9 property tax rate shall be levied; or
- 10 2. The district board of education shall cause to be submitted to the voters
11 of the district in a called common school election not less than thirty-
12 five (35) days nor more than forty-five (45) days from the date the
13 signatures on the petition are validated by the county clerk, or at the next
14 regular election, at the option of the district board of education, the
15 question as to whether the property tax rate shall be levied. The cost of a
16 called common school election shall be borne by the school district
17 holding the election. Any called common school election shall comply
18 with the provisions of KRS 118.025.

19 (b) If an election under paragraph (a) of this subsection is held in conjunction
20 with a regular election, the question as to whether the property tax rate shall
21 be levied shall be submitted to the county clerk no later than the second
22 Tuesday in August preceding the regular election.

23 (c) In an election held under paragraph (a) of this subsection, the question shall
24 be framed to ask whether the voter is for the levy of the property tax rate. If a
25 majority of the votes cast upon the question oppose its passage, the ordinance,
26 order, resolution, or motion shall not go into effect. If a majority of the votes
27 cast upon the question favor its passage, the ordinance, order, resolution, or

1 motion shall become effective.

2 (d) If the ordinance, order, resolution, or motion fails to pass pursuant to an
3 election held under paragraph (a) of this subsection, the property tax rate
4 which will produce four percent (4%) more revenues from real property,
5 exclusive of revenue from new property as defined in KRS 132.010, than the
6 amount of revenue produced by the compensating tax rate defined in KRS
7 132.010, shall be levied without further approval by the local governmental
8 entity or district board of education.

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

13 a. "Local" has the same meaning as used in Section 1 of this Act;
14 and

15 b. "Resources" has the same meaning as in Section 1 of this
16 Act~~[means and includes any city, county, urban county~~
17 ~~government, consolidated local government, unified local~~
18 ~~government, charter county, or special district].~~

19 2. Local, state, and federal tax dollars and resources shall not be used to
20 advocate, in partial or impartial terms, for or against any public
21 question, including any recall question, that appears on the ballot.

22 (4) Notwithstanding any statutory provision to the contrary, if a local governmental
23 entity or district board of education has not established a final tax rate as of
24 September 15, due to the recall provisions of this section, KRS 68.245, 132.027, or
25 160.470, regular tax bills shall be prepared as required in KRS 133.220 for all
26 districts having a tax rate established by that date; and a second set of bills shall be
27 prepared and collected in the regular manner, according to the provisions of KRS

- 1 Chapter 132, upon establishment of final tax rates by the remaining districts.
- 2 (5) If a second billing is necessary, the collection period shall be extended to conform
- 3 with the second billing date.
- 4 (6) All costs associated with the second billing shall be paid by the taxing district or
- 5 districts requiring the second billing.