

1 AN ACT relating to local option 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) Except as authorized by paragraph (b) of this subsection,** a petition for an
5 election shall be signed by a number of constitutionally qualified voters of the
6 territory to be affected, equal to twenty-five percent (25%) of the votes cast in
7 the territory at the last preceding general election. The petition may consist of
8 one (1) or more separate units, and shall be filed with the county clerk in
9 accordance with this section.

10 **(b) If a petition is for a countywide election to establish a county as wet or dry**
11 **territory, and the county has a population of less than one hundred**
12 **thousand (100,000) residents, the petition for election shall be signed by at**
13 **least five hundred (500) constitutionally qualified voters of the territory to**
14 **be affected. The petition may consist of one (1) or more separate units, and**
15 **shall be filed with the county clerk in accordance with this section. The**
16 **results of an election based on a petition filed under this paragraph shall**
17 **not affect:**

18 **1. The wet or dry status of any cities within that county; and**

19 **2. The moist status of any moist territories previously established in that**
20 **county.**

21 (2) (a) Before a petition for election may be presented for signatures, an intent to
22 circulate the petition, including a copy of the unsigned petition, shall be filed
23 with the county clerk by any person or group of persons seeking the local
24 option election.

25 (b) After a petition for a local option election has received no fewer than the
26 number of qualifying signatures required by subsection (1) of this section, the
27 signed petition shall be filed with the county clerk.

- 1 (c) If the election is to be held on any day other than a primary or regular election
2 date, a person or group of persons seeking the local option election shall post
3 bond with the Circuit Court to cover all costs of the election within five (5)
4 days after the signed petition is filed under paragraph (b) of this subsection.
5 The cost of the election shall be established by the county judge/executive to
6 determine the bond amount.
- 7 (3) The petition for election, in addition to the signature and legibly printed name of
8 each voter, shall state also the voter's residence address, year of birth, and the
9 correct date upon which the voter's name was signed.
- 10 (4) No signer of the petition may withdraw his or her name or have it taken from the
11 petition after the petition has been filed. If the name of any person has been placed
12 on the petition for election without that person's authority, the person may appear
13 before the county judge/executive before the election is ordered and upon proof that
14 the person's name was placed on the petition without his or her authority, the
15 person's name and personal information required in subsection (3) of this section
16 shall be eliminated by an order of the county judge/executive. When the person's
17 name and personal information has been eliminated, he or she shall not be counted
18 as a petitioner.
- 19 (5) A petition seeking a local option election under this section shall state "We the
20 undersigned registered voters hereby petition for an election on the following
21 question: 'Are you in favor of the sale of alcoholic beverages in (name of
22 territory)?'". No petition for a referendum shall be circulated for more than six (6)
23 months prior to its filing.
- 24 (6) After a petition for election has been filed in conformity with this section, the
25 county judge/executive shall make an order on the order book of the court directing
26 that the local option questions may be placed on the ballot for the next primary or
27 regular election to be held in that territory. If the date of the local option election

1 stated in the petition as provided in KRS 242.030(1) is a date other than a primary
2 or regular election day, all election costs for such a local option election shall be
3 borne by the person or group of persons who circulated the petition.

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