

SENATE

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM

2017 REGULAR SESSION

Amend printed copy of **SB 145**

On page 1, after line 10, insert the following:

"➔Section 2. KRS 117.075 is amended to read as follows:

(1) Any qualified voter who has not been declared mentally disabled by a court of competent jurisdiction, and who, on account of age, disability, or illness, is not able to appear at the polls on election day may vote *by a mail-in absentee ballot pursuant to subsection (2) of this section or in person pursuant to Section 3 of this Act*~~[in the following manner].~~

(2) At least seven (7) days prior to the date of the election and prior to the close of normal business hours, *a qualified voter may*~~[he shall]~~ present to the *county* clerk by mail or in person his *or her* application for *a mail-in*~~[an]~~ absentee ballot containing a verified statement that his *or her* inability to appear is due to age, disability, or illness. The request for the *mail-in absentee ballot* application may be made by telephone, facsimile machine, mail, or in person. Within three (3) days of receipt of the request, the *county* clerk shall mail to the voter *a mail-in*~~[an]~~ absentee ballot and envelopes, and the voter shall cast his *or her* vote in accordance with KRS 117.086. The *mail-in absentee* ballot shall be returned by the voter to the county clerk by mail.

(3)~~(2)~~ Ballots furnished pursuant to the provisions of this section shall include the *slate of candidates and*~~[names of]~~ all candidates for which the voter is entitled to vote.

➔Section 3. KRS 117.085 is amended to read as follows:

Amendment No. SFA 1

Rep. Sen. Jimmy Higdon

Committee Amendment \_\_\_\_\_

Signed: \_\_\_\_\_

Floor Amendment \_\_\_\_\_

LRC Drafter: Miller, Alisha

Adopted: \_\_\_\_\_

Date: \_\_\_\_\_

Rejected: \_\_\_\_\_

Doc. ID: XXXX

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- (1) All requests for an application for a mail-in~~[an]~~ absentee ballot may be transmitted by telephone, facsimile machine, by mail, by electronic mail, or in person. **The county clerk shall transmit all applications for a mail-in absentee ballot**~~[Except as provided in paragraph (b) of this subsection, all applications for an absentee ballot shall be transmitted only]~~ by mail to the voter or in person at the option of the voter, **except as provided in paragraph (b) of this subsection**~~[except that the county clerk shall hand an application for an absentee ballot to a voter permitted to vote by absentee ballot who appears in person to request the application, or shall mail the application to a voter permitted to vote by absentee ballot who requests the application by telephone, facsimile machine, or mail]~~. The mail-in absentee ballot application may be requested by the voter or the spouse, parents, or children of the voter, but shall be restricted to the use of the voter. Except for qualified voters who apply pursuant to the requirements of KRS 117.075 and 117.077, those who are incarcerated in jail but have yet to be convicted, those who are uniformed-service voters as defined in KRS 117A.010 that are confined to a military base on election day, and persons who qualify under paragraph (a)7. of this subsection, mail-in absentee ballots shall not be mailed to a voter's residential address located in the county in which the voter is registered.~~[In the case of ballots returned by mail,]~~ The county clerk shall provide a mail-in~~[an]~~ absentee ballot, two (2) official envelopes for returning the mail-in absentee ballot, and instructions for voting to a voter who presents a completed application for a mail-in~~[an]~~ absentee ballot as provided in this section and who is properly registered as stated in his or her mail-in absentee ballot application.
- (a) **Qualified voters**~~[The following voters]~~ may apply to cast their votes by mail-in absentee ballot if the application is received not later than the close of business hours seven (7) days before the election, **and if the voters are:**
1. ~~[Voters]~~ Permitted to vote by a mail-in absentee ballot pursuant to KRS

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- 117.075;
2. ~~{Voters who are }~~Residents of Kentucky who are covered voters as defined in KRS 117A.010;
  3. ~~{Voters who are }~~Students who temporarily reside outside the county of his or her~~{their}~~ residence;
  4. ~~{Voters who are }~~Incarcerated in jail who have been charged with a crime but have not been convicted of the crime;
  5. Changing or have changed~~{Voters who change }~~their place of residence to a different state while the registration books are closed in the new state of residence before an election of electors for President and Vice President of the United States, who shall be permitted to cast a mail-in~~{an}~~ absentee ballot for electors for President and Vice President of the United States only;
  6. ~~{Voters who }~~Temporarily residing~~{reside}~~ outside the state but who are still eligible to vote in this state;
  7. ~~{Voters who are }~~Prevented from voting in person at the polls on election day and from casting an in-person absentee ballot~~{in person}~~ in the county clerk's office on all days in-person absentee voting is conducted~~{prior to election day}~~ because their employment location requires them to be absent from the county of his or her residence all hours and all days in-person absentee voting is conducted in the county clerk's office; and
  8. ~~{Voters who are }~~Program participants in the Secretary of State's crime victim address confidentiality protection program as authorized by KRS 14.312.
- (b) Residents of Kentucky who are covered voters as defined in KRS 117A.010 may apply for a mail-in~~{an}~~ absentee ballot by means of the federal post-card application, which may be transmitted to the county clerk's office by mail, by facsimile machine,

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or by means of the electronic transmission system established under KRS 117A.030(4). The *federal post-card* application may be used to register, reregister, and to apply for *a mail-in*~~[an]~~ absentee ballot. If the federal post-card application is received at any time not less than seven (7) days before the election, the county clerk shall affix his or her seal to the application form upon receipt.

- (c) *In-person* absentee voting shall be conducted in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections during normal business hours for at least the twelve (12) working days before the election. A county board of elections may permit *in-person* absentee voting to be conducted on a voting machine for a period longer than the twelve (12) working days before the election.
- (d) Any qualified voter in the county *of his or her residence* who is not permitted to vote by *a mail-in* absentee ballot under paragraph (a) of this subsection who will be absent from the county *of his or her residence* on any election day may, at any time during normal business hours on those days *in-person* absentee voting is conducted in the county clerk's office, make application in person to the county clerk to *cast an in-person absentee* vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections.
- (e) *Qualified*~~[The following]~~ voters may, at any time during normal business hours on those days *in-person* absentee voting is conducted in the county clerk's office, make application in person to the county clerk to vote on a voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections, *if the voters*:
1. ~~[Voters who]~~ Are residents of Kentucky who are covered voters as defined in

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- KRS 117A.010, who will be absent from the county *of his or her residence* on any election day;
2. ~~{Voters who }~~Are students who temporarily reside outside the county of *his or her*~~{their}~~ residence;
  3. ~~{Voters who }~~Have surgery scheduled that will require hospitalization on election day, and the spouse of the voter;
  4. ~~{Voters who }~~Temporarily reside outside the state but who are still eligible to vote in this state and who will be absent from the county *of his or her residence* on any election day;
  5. ~~{Voters who }~~Are residents of Kentucky who are uniformed-service voters as defined in KRS 117A.010 confined to a military base on election day and who learn of that confinement within seven (7) days or less of an election and are not eligible for a *mail-in*~~{paper}~~ absentee ballot under this subsection;~~{ and }~~
  6. *Are in their*~~{A voter who is a pregnant woman in her}~~ last trimester of pregnancy at the time *they wish*~~{she wishes}~~ to vote under this paragraph. The application form for a voter under this subparagraph shall be prescribed by the State Board of Elections, which shall contain the woman's sworn statement that she is in fact in her last trimester of pregnancy at the time she wishes to vote; *or*
  7. *Have not been declared mentally disabled by a court of competent jurisdiction, and who, on account of age, disability, or illness, are not able to appear at the polls on election day.*
- (f) Voters who change their place of residence to a different state while the registration books are closed in the new state of residence before a presidential election shall be permitted to cast an *in-person* absentee ballot for President and Vice President only, by making application in person to the county clerk to vote on a voting machine in the

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county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections, up to the close of normal business hours on the day before the election.

- (g) Any member of the county board of elections, any precinct election officer appointed to serve in a precinct other than that in which he or she is registered, any alternate precinct election officer, any deputy county clerk, any staff for the State Board of Elections, and any staff for the county board of elections may vote on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, up to the close of normal business hours on the day before the election. The application form for those persons shall be prescribed by the State Board of Elections and, in the case of application by precinct election officers, shall contain a verification of appointment signed by a member of the county board of elections. If an alternate precinct election officer or a precinct election officer appointed to serve in a precinct other than that in which he or she is registered receives his or her appointment while in-person absentee voting is being conducted in the county, ~~the~~<sub>[such]</sub> officer may vote on a voting machine in the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, up to the close of normal business hours on the day before the election. Precinct election officers'~~[In case of such voters, the]~~ verification of appointment shall also contain the date of appointment. The applications shall be restricted to the use of the voter only.
- (h) The members of the county board of elections or their designees who provide equal representation of both political parties may serve as precinct election officers, without compensation, for all in-person absentee voting performed on a voting machine in the county clerk's office or other place designated by the county board of elections and

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approved by the State Board of Elections. If the members of the county board of elections or their designees serve as precinct election officers for the *in-person* absentee voting, they shall perform the same duties and exercise the same authority as precinct election officers who serve on the day of an election. If the members of the county board of elections or their designees do not serve as precinct election officers for *in-person*~~[the]~~ absentee voting, the county clerk or deputy county clerks shall supervise the *in-person* absentee voting.

- (i) Any individual qualified to appoint challengers for the day of an election may also appoint challengers to observe all *in-person* absentee voting performed at the county clerk's office or other place designated by the county board of elections, and approved by the State Board of Elections, and those challengers may exercise the same privileges as challengers appointed for observing voting on the day of an election at a regular polling place.
- (2) The *county* clerk shall type the name of the voter permitted to vote by *mail-in* absentee ballot on the *mail-in absentee ballot* application form for that person's use and no other. The *mail-in* absentee ballot application form shall be in the form prescribed by the State Board of Elections, shall bear the seal of the county clerk, and shall contain the following information: name, residential address, precinct, party affiliation, statement of the reason the person cannot vote in person on election day, statement of where the voter shall be on election day, statement of compliance with residency requirements for voting in the precinct, and the voter's mailing address for *a mail-in*~~[an]~~ absentee ballot. The *mail-in absentee ballot application* form shall be verified and signed by the voter. A notice of the actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the *mail-in absentee ballot application form*~~[application]~~.
- (3) If the county clerk finds that the voter is properly registered as stated in his or her *mail-in*

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absentee ballot application form~~[application]~~ and qualifies to receive a mail-in~~[an]~~ absentee ballot by mail, he or she shall mail to the voter a mail-in~~[an]~~ absentee ballot, two (2) official envelopes for returning the mail-in absentee ballot, and instructions for voting. The county clerk shall complete a postal form for a certificate of mailing for mail-in absentee ballots mailed within the fifty (50) states, and it shall be stamped by the postal service when the mail-in absentee ballots are mailed. A mail-in~~[An]~~ absentee ballot may be transmitted by facsimile machine or by the electronic transmission system established under KRS 117A.030(4) to a covered voter as defined in KRS 117A.010. The covered voter shall be notified of the options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot shall be transmitted by the method chosen for receipt by the resident of Kentucky who is a covered voter.

- (4) Mail-in absentee ballots which are requested prior to the printing of the mail-in absentee ballots shall be mailed or otherwise transmitted as provided in subsection (3) of this section by the county clerk to the voter within three (3) days of the receipt of the printed ballots;~~;~~ and Mail-in absentee ballots~~[which are]~~ requested after~~[subsequent to]~~ the receipt of the ballots by the county clerk shall be mailed or otherwise transmitted as provided in subsection (3) of this section to the voter within three (3) days of the receipt of the request.
- (5) The county clerk shall cause mail-in absentee ballots to be printed fifty (50) days prior to each primary or regular election, and forty-five (45) days prior to a special election.
- (6) The outer envelope shall bear the words "Absentee Ballot" and the address and official title of the county clerk and shall provide space for the voter's signature, voting address, precinct number, and signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature. A detachable flap on the inner envelope shall provide space for the voter's signature, voting address, precinct number, signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature



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and notice of penalty provided in KRS 117.995(5). The county clerk shall type the voter's address and precinct number in the upper left hand corner of the outer envelope and of the detachable flap on the inner envelope immediately below the blank space for the voter's signature. The inner envelope shall be blank. The county clerk shall retain the mail-in ballot application form~~application~~ and the postal form required by subsection (3) of this section for twenty-two (22) months after the election.

- (7) Any person who has received a mail-in~~an~~ absentee ballot by mail but who knows at least seven (7) days before the date of the election that he or she will be in his or her county of residence~~the county~~ on election day and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her mail-in absentee ballot and vote in person. The voter shall return the mail-in absentee ballot to the county clerk's office no later than seven (7) days prior to the date of the election. Upon the return of the mail-in absentee ballot, the county clerk shall mark on the outer envelope of the sealed ballot or the unmarked ballot the words "Canceled because voter appeared to vote in person." Sealed envelopes so marked shall not be opened. The county clerk shall remove the voter's name from the list of persons who were sent mail-in absentee ballots, and the voter may vote in the precinct in which he or she is properly registered.
- (8) Any voter qualified for a mail-in absentee ballot who does not receive a requested mail-in absentee ballot within a reasonable amount of time shall contact the county clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall keep a record of the mail-in absentee ballots issued and returned by mail, and the in-person absentee voting that is performed on the voting machine in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections, to verify that only the first voted ballot to be returned by the voter is counted. Upon the return of any ballot after the first ballot is returned, the county clerk shall mark on the outer envelope of

the sealed ballot the words "Canceled because ballot reissued."

- (9) Any covered voter as defined in KRS 117A.010 who has received *a mail-in*~~[an]~~ absentee ballot but who knows that he or she will be in the county on election day and who has not voted pursuant to the provisions of KRS 117.086 shall cancel his or her *mail-in* absentee ballot and vote in person. The voter shall return the *mail-in* absentee ballot to the county clerk's office on or before election day. Upon the return of the *mail-in* absentee ballot, the *county* clerk shall mark on the outer envelope of the sealed *mail-in absentee* ballot or the unmarked *mail-in absentee* ballot the words "Canceled because voter appeared to vote in person." Sealed envelopes so marked shall not be opened. If the covered voter is unable to return the *mail-in* absentee ballot to the county clerk's office on or before election day, at the time he or she votes in person, he or she shall sign a written oath as to his or her qualifications on the form prescribed by the State Board of Elections pursuant to KRS 117.245. The *county* clerk shall remove the voter's name from the list of persons who were sent *mail-in* absentee ballots, provide the voter with written authorization to vote at the precinct, and the voter may vote in the precinct in which he or she is properly registered.
- (10) Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, the information contained in an application for *a mail-in*~~[an]~~ absentee ballot shall not be made public until after the close of business hours on the election day for which the application applies. This subsection shall not prohibit at any time the disclosure, upon request, of the total number of applications for *mail-in* absentee ballots that have been filed, or the disclosure to the Secretary of State or the State Board of Elections, if requested or if otherwise required by law, of any information in an application for *a mail-in*~~[an]~~ absentee ballot.

➔Section 4. KRS 242.020 is amended to read as follows:

- (1) A petition for *a local option*~~[an]~~ election shall be signed by a number of constitutionally

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qualified voters of the territory to be affected, equal to twenty-five percent (25%) of the votes cast in the territory at the last preceding regular~~[general]~~ election. The petition for a local option election may consist of one (1) or more separate units, and shall be filed with the county clerk. Once the petition for a local option election has been filed with the county clerk, the petition shall not be added to.

- (2) The petition for a local option election, in addition to the signature and legibly printed name of the voter, shall also state~~[also]~~ the voter's residence address, year~~[date]~~ of birth, and the actual~~[correct]~~ date when the voter signed his or her name~~[upon which the voter's name was signed]~~.
- (3) No signer may withdraw his or her name or have it taken from the petition for a local option election after the petition has been filed. If the name of any person has been placed on the petition for a local option election without that person's authority, the person may appear before the county judge/executive before the local option election is ordered and upon proof that the person's name was placed on the petition for a local option election without his or her authority, the person's name and the personal information required in subsection (2) of this section, may be eliminated by an order of the county judge/executive. When the person's name and the personal information required in subsection (2) of this section has been eliminated from a petition for a local option election, he or she shall not be counted as a petitioner.
- (4) A petition for~~[seeking]~~ a local option election under this section shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages in (name of territory)?'". No petition for a local option election~~[referendum]~~ shall be circulated for more than six (6) months prior to its filing.
- (5) After a petition for a local option election has been filed in conformity with this section

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and Sections 5 and 6 of this Act, the county judge/executive shall make an order on the order book of the court directing that the question on the local option petition shall be placed on the ballot for the next primary or regular election~~[an election to be held in that territory]~~.

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

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

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

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

~~[(1)(3)]~~ The local option election shall~~[not]~~ be held on the same day that a primary or regular~~[general]~~ election is held in the territory~~[or any part of the territory, nor within thirty (30) days next preceding or following a regular political election]~~.

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

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

(4) In order for the local option election to be held on the day fixed by law for holding a primary, the petition for a local option election shall be filed no earlier than the first Wednesday after the first Monday in November of the year preceding the day on which the primary is to be held, and not later than the last Tuesday in January preceding the day fixed by law for holding the primary.

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

➔Section 6. KRS 242.040 is amended to read as follows:

Within five (5) days after the county judge/executive orders **that the question on the local option petition be placed on the ballot for the next primary or regular**~~[an]~~ election, the county clerk shall give~~[to]~~ the sheriff a certified copy of the order. The sheriff shall have the order published pursuant to KRS Chapter 424 in the county **not later than two (2) weeks before the local option election.**~~[When the election is ordered for the entire county, the sheriff shall also advertise the order by written or printed handbills posted at not less than five (5) conspicuous places in each precinct of the county for two (2) weeks before the election, and, when the election is ordered held in a city, district or precinct, at five (5) conspicuous places in each precinct therein for the same length of time. The sheriff shall report in writing to the county judge/executive that the notices have been published and posted.]~~

➔Section 7. KRS 242.1242 is amended to read as follows:

- (1) (a) To promote economic development and tourism in any dry or moist county, **urban-county, charter county, consolidated local government, unified local government,** or city in which a qualified historic site is located, a local option election for the limited sales of alcoholic beverages by the drink may be held in the precinct of the county where the qualified historic site is located, notwithstanding any other provision of the Kentucky Revised Statutes.
- (b) A petition **for**~~[seeking]~~ a local option election under this section shall state "We the undersigned registered voters hereby petition for an election under this section on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink at qualified historic sites in (name of precinct)?'".

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

➔Section 8. KRS 242.1244 is amended to read as follows:

- (1) (a) In order to promote economic development and tourism, other provisions of the Kentucky Revised Statutes notwithstanding, a dry or moist ~~city or~~ county, **urban-county, charter county, consolidated local government, unified local government, or city** may, by petition in accordance with KRS 242.020, hold a local option election on the sale of alcoholic beverages by the drink at restaurants and dining facilities that seat a minimum of fifty (50) persons and derive a minimum of seventy percent (70%) of their gross receipts from the sale of food if alcoholic beverages are purchased in conjunction with a meal. A petition ~~for~~~~seeking~~ a local option election under this subsection shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink at restaurants and dining facilities with a seating capacity of at least fifty (50) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food if the alcoholic beverage is purchased in conjunction with a meal?'".
- (b) The **local option** election shall be held in accordance with KRS 242.030~~(1), (2), and (5);~~, 242.040, and 242.060 to 242.120, and the ~~question~~~~proposition~~ on the ballot shall state "Are you in favor of the sale of alcoholic beverages by the drink in (name of **county, urban-county, charter county, consolidated local government, unified local government, or** city ~~or county~~) at restaurants and dining facilities with a

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seating capacity of at least fifty (50) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food if the alcoholic beverage is purchased in conjunction with a meal?". If the majority of the votes in **a local option**~~[an]~~ election held pursuant to this subsection are "Yes," licenses may be issued to qualified restaurants and dining facilities, and the licensees may be regulated and taxed in accordance with KRS 243.072.

- (2) (a) In order to promote economic development and tourism, other provisions of the Kentucky Revised Statutes notwithstanding, a dry or moist~~[city or]~~ county, **urban-county, charter county, consolidated local government, unified local government, or city** may, by petition in accordance with KRS 242.020, hold a local option election on the sale of alcoholic beverages by the drink at restaurants and dining facilities which seat a minimum of one hundred (100) persons and derive a minimum of seventy percent (70%) of their gross receipts from the sale of food.
- (b) A petition **for**~~[seeking]~~ a local option election under this subsection shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink in (name of **county, urban-county, charter county, consolidated local government, unified local government, or** city~~[or county]~~) at restaurants and dining facilities with a seating capacity of at least one hundred (100) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food?'"
- (c) The **local option** election shall be held in accordance with KRS 242.030~~[(1), (2), and (5)]~~, 242.040, and 242.060 to 242.120, and the **question**~~[proposition]~~ on the ballot shall state "Are you in favor of the sale of alcoholic beverages by the drink in (name of **county, urban-county, charter county, consolidated local government, unified local government, or** city~~[or county]~~) at restaurants and dining facilities with a

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seating capacity of at least one hundred (100) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food?". If the majority of the votes in **local option**~~[an]~~ election held pursuant to this subsection are "Yes," licenses may be issued to qualified restaurants and dining facilities and the licensees may be regulated and taxed in accordance with KRS 243.072.

- (3) A **petition for a** local option **election**~~[proposition]~~ under subsection (1) of this section is a separate **petition for a local option election**~~[proposition than a local option proposition]~~ held under subsection (2) of this section, so that a separate limited local option election is required for sales under each subsection. A territory may, by separate limited local option elections, simultaneously allow alcoholic beverage sales under subsections (1) and (2) of this section. A territory may also hold a limited local option election to allow alcoholic beverage sales under either subsection (1) or (2) of this section without authorizing alcoholic beverage sales under the other subsection.

➔Section 9. KRS 242.022 is amended to read as follows:

- (1) (a) To promote economic development and tourism in any dry or moist county, **urban-county, charter county, consolidated local government, unified local government,** or city in which a state park is located, a local option election for the limited sales of alcoholic beverages by the drink may be held in a **county, urban-county, charter county, consolidated local government, unified local government, or** city~~[or county]~~ precinct where the state park's qualifying lodge or golf course is located, notwithstanding any other provision of the Kentucky Revised Statutes.
- (b) A petition **for**~~[seeking]~~ a local option election under this section shall state "We the undersigned registered voters hereby petition for an election under KRS 242.022 on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink at the state park located in (name of precinct)?'".



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- (2) A local option election for the limited sale of alcoholic beverages by the drink held under subsection (1) of this section shall be conducted in the same manner as specified in KRS 242.020,~~;~~ 242.030,~~[(1), (2), and (5)];~~ 242.040,~~;~~ and 242.060 to 242.120. The form ***for the local option question***~~[of the proposition]~~ to be voted upon shall be "Are you in favor of the sale of alcoholic beverages by the drink at the state park located in the (name of precinct)?".
- (3) When a majority of the votes cast at ***a local option***~~[an]~~ election held under subsections (1) and (2) of this section are in favor of establishing moist territory, the entire state park shall become moist in the manner specified in KRS 242.200.

➔Section 10. KRS 242.125 is amended to read as follows:

- (1) A city shall not be deemed to be the "same territory" as that of a county within the meaning of KRS 242.030~~(3)~~~~(5)~~. A city shall have the right to determine its wet or dry status separate from a county's wet or dry status.
- (2) A dry or moist city may hold a local option election to take the sense of the city residents for establishing the city as a wet territory. If the majority of the votes are in favor of establishing the city as a wet territory, the whole city shall become wet territory by application of KRS 242.200.
- (3) Once a city votes under this section to become wet territory separate from the county, a countywide local option election establishing the county as dry or moist territory shall not cause the city to become dry or moist territory.
- (4) A wet city may hold a local option election to take the sense of the city residents for establishing the city as a dry or moist territory. If the majority of the votes are in favor of establishing the city as a dry or moist territory, the whole city shall become dry or moist territory by application of KRS 242.190.
- (5) If a city votes to become wet territory, a precinct of the city may hold a later election in

- conformity with this chapter to take the sense of the city precinct residents for establishing the city precinct as a dry or moist territory. If the majority of the votes are in favor of establishing the city precinct as a dry or moist territory, the city precinct shall become dry or moist territory by application of KRS 242.190.
- (6) If a city precinct becomes dry or moist territory separate from a wet city, the city precinct may hold a later election in conformity with this chapter, to take the sense of the city precinct residents for reestablishing the city precinct as a wet territory. If the majority of the votes are in favor of reestablishing the city precinct as a wet territory, the city precinct shall become wet territory by application of KRS 242.200.
- (7) A dry or moist county containing a wet city may hold a local option election to take the sense of the county residents for establishing the county as a wet territory. If the majority of the votes are in favor of establishing the county as a wet territory, the whole county shall become wet territory by application of KRS 242.200.
- (8) A wet county containing a wet city by separate city election under this section may hold a local option election to take the sense of the county residents for establishing the county as a dry or moist territory. If the majority of the votes are in favor of establishing the county as a dry or moist territory, the county territory outside the wet city limits shall become dry or moist territory by application of KRS 242.190.
- (9) Residents of any city, including a separately wet city, are residents of the county, and shall therefore be permitted to sign any petitions for, and vote in, county local option elections under this section.
- (10) A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages in (name of county, city, or precinct)?'".
- (11) In any local option election under this section, the proposition to be voted upon shall state

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"Are you in favor of the sale of alcoholic beverages in (name of county, city, or city precinct)?".

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

➔Section 11. KRS 242.1292 is amended to read as follows:

- (1) The provisions of this section shall be applicable only in any city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census notwithstanding any other provisions of this chapter relating to the wet or moist status in any county, city, or territory which may be to the contrary.
- (2) In any city meeting the population requirements of subsection (1) of this section that is dry or moist in all or part of the city, and upon a determination that an economic hardship exists in one (1) or more of the voting precincts of the city in the manner prescribed in subsection (11) of this section, the governing body of the city shall by ordinance designate the precinct or precincts as a limited sale precinct or precincts and shall provide for an election to be held in the precinct or precincts to take the sense of the people of each precinct as to making that precinct wet territory. A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages in (official name of precinct)?'".
- (3) The election shall be held in the precinct or precincts in the manner prescribed in this chapter. The election shall not be deemed to be an election in the "same territory" within the meaning of subsection ~~(3)~~~~(5)~~ of KRS 242.030.

- (4) The question shall be presented to the voters in conformance with the requirements of KRS 242.050 except that the form of the proposition shall be, "Are you in favor of the sale of alcoholic beverages in (official name and designation of precinct)?".
- (5) If a majority of the votes cast in any limited sale precinct in which an election is held under this section are in favor of the sale of alcoholic beverages in that precinct, the governing body of the city shall by ordinance create or provide for the office of city alcoholic beverage control administrator.
- (6) The governing body of the city shall adopt the comprehensive regulatory ordinance covering the licensing and operation of establishments for the sale of alcoholic beverages, including, but not limited to, distilled spirits and malt beverages, within a limited sale precinct as set forth in this section. In relation to the ordinances established by a city meeting the population requirements of subsection (1) of this section under this subsection and subsection (7) of this section, review by the board, if any, shall be limited to a determination that the ordinances do not exceed the limits established for sale by statute, or administrative regulations promulgated by the board under those statutes. In its discretion the governing body shall provide without review by the board that:
  - (a) Only three (3) licenses permitting the package sale at retail of alcoholic beverages shall be granted within the territorial limits of any limited sale precinct.
  - (b) Only four (4) licenses to sell alcoholic beverages by the drink for consumption on the premises by the general public shall be granted in any one (1) limited sale precinct. One (1) license in each limited sale precinct may be reserved for any newly established hotel, motel, or inn containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons. The remaining three (3) licenses may be granted to a hotel, motel, or inn meeting the aforesaid requirements or to bona fide restaurants open to the general public having dining

facilities for not less than one hundred (100) persons. Additional licenses to sell alcoholic beverages by the drink for consumption on the premises may be granted to social membership clubs established and maintained for the benefit of members of bona fide fraternal or veterans organizations.

- (7) The governing body of the city may also incorporate in the regulatory ordinance any other reasonable rules and regulations as it deems, necessary or desirable for the proper administration and enforcement of this section, for the maintenance of public order in a limited sale precinct, and for the issuance of any licenses permitted by KRS 243.070.
- (8) Notwithstanding any limitations imposed on the city's taxing or licensing power by KRS 243.070, once any limited sale precinct has been established as wet territory, the governing body of the city may impose a regulatory license fee upon the gross receipts of each establishment located therein and licensed to sell alcoholic beverages. The regulatory license fee may be levied at the beginning of each city budget period at the percentage rate as shall be reasonably estimated to fully reimburse the city for the estimated costs of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the city. The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law, but a credit against the fee shall be allowed in an amount equal to any licenses or fees imposed by the city pursuant to KRS 243.070.
- (9) Subject to the limitation imposed by subsection (3) of this section, no provision contained in this section providing for the establishment of a limited sale precinct shall preclude or abridge the right of the constitutionally qualified voters of the precinct to petition for a subsequent election on the same question.
- (10) If an election is held pursuant to other provisions of KRS Chapter 242 in the city or the county in which a limited sale precinct is located for the purpose of taking the sense of the voters upon the question of the entire city or the entire county becoming dry, wet, or moist,

the status of that question in a limited sale precinct shall be determined in the following manner:

- (a) The status of a limited sale precinct shall not be affected by any election for the entire city or the entire county if the limited sale precinct was established less than five (5) years prior to the date of the proposed election for the entire city or the entire county and if so the voters of any limited sale precinct shall not vote in the election.
  - (b) If the limited sale precinct was established more than five (5) years prior to the date of the proposed election for the entire city or the entire county, the voters within each limited sale precinct shall be presented with the question, "Are you in favor of continuing the sale of alcoholic beverages in (official name and designation of precinct) as a limited sale precinct?". No other question shall be presented to the voters of any limited sale precinct.
  - (c) The votes of each limited sale precinct shall be counted separately, and, if a majority of the votes cast in the limited sale precinct are in favor of continuing the sale of alcoholic beverages therein as a limited sale precinct, then the status shall continue within the precinct, except that if the city or the county in which the limited sale precinct is located votes wet in the remainder of the city or the county, the limited sale precinct status of any precinct may be terminated by the governing body of the city or the county and thereafter the status of the precinct shall be the same as that in effect for the remainder of the city or the county.
- (11) Any precinct located entirely within any city meeting the population requirements of subsection (1) of this section that is dry in all or part of the city shall be designated as a limited sale precinct by the governing body of the city if:
- (a) The governing body determines to its satisfaction that the general trade, business, and economy of one (1) or more of the precincts within the city is substantially, adversely

affected by the legal sale of alcoholic beverages in any neighboring or adjoining state, county, city, town, district, or precinct. For the purpose of making this determination, the governing body may hold hearings, examine witnesses, or receive evidence as it believes necessary or desirable for the purpose; or

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