

PROCEDURE/PROCESS FOR A WET/DRY VOTE (LOCAL OPTION) ELECTION

KRS chapter 242 provides for the process to be used for a local option election to determine whether alcoholic beverages may be sold in a certain area. The following is a summary of the provisions of this chapter.

1. A petition is circulated by those seeking a vote. No petition can be circulated for more than 6 months prior to its filing. The petition may contain the date of the election to be held, or if not stated in the petition, the Mayor designates the date of the election.
2. The petition has to have the name of the voter, the voter's residence address, social security number or date of birth and the correct date upon which the voter signed the petition.
3. A petition must be signed by a number of voters equal to 25 % of the votes cast in the territory at the last preceding general election.
4. The petition is filed with the County Clerk.
5. After the petition is filed, the County Judge, now Mayor, makes an order on the order book of the Court directing an election be held in that territory.
6. The election can not be held earlier than 60 days nor later than 90 days after the date the petition is filed with the County Clerk. The election can not be held on a primary or general election day, nor within 30 days before or following a regular primary election. It can not be held on any date on which an election for the entire County is held, unless the entire County is the subject of the election.
7. Local option elections can not be held in the same territory more than once in every 3 years.
8. Within five (5) days after the Mayor orders 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. 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 therein for the same length of time. The Sheriff shall report in writing to the Mayor that the notices have been published and posted.

9. The proposition to be voted upon shall be stated without emblems and voters shall designate a "Yes" or a "No" vote. In any election, the form of the proposition shall be "Are you in favor of the sale of alcoholic beverages in (name of the county or city)?" If it is a precinct vote, the precinct can be identified by number.
10. The County is responsible for the cost of the election.
11. Not more than twenty (20) days prior to an election, any group of citizens that favors or opposes the proposition may file with the Chairman of the County Board of Elections, a petition asking that it be recognized as the Committee entitled to nominate election officers and to certify challengers, witness to the counting of the votes and certification of the results and guards to assist in guarding the boxes containing the votes which have been cast during the period which the group desires. If more than one (1) group claims the right to nominate election officers and certify challengers, witnesses and guards, the County Board of Elections shall promptly decide and publicly announced which committee is entitled to nominate officers and certify challengers, witnesses and guards. That decision shall not be final, but any aggrieved party may appeal to the Mayor. Upon hearing, the Mayor shall determine which group shall be recognized.
12. The respective committees advocating and opposing the proposition shall each file with Chairman of the County Board of Elections before the time designated for the selection of officers, a list of not more than four (4) persons possessing the qualifications of election officers for each voting precinct and the Board of Elections shall appoint the officers from those lists, as provided in KRS 242.090.
13. The committee may sign and issue certificates designating challengers at the polls, witnesses to the count of votes and guards to assist in guarding the boxes containing votes which have been cast, in the same manner as political committees under the general election laws.
14. The County Board of Elections, not more than fifteen (15) and not less than ten (10) days before the day appointed for holding the election, shall appoint officers to conduct the election, in the manner provided by general election laws. It shall make equal division of officers between those favoring and those opposing the proposition instead of between political parties. The same equal division of challengers at the polls, of witnesses at the count and of guards to guard the boxes, shall be made.

15. The result of the election shall be certified by the County Board of Elections. The certificate of the result shall be immediately filed with the County Clerk and the Mayor shall have the certificate entered on the order book. The entry of the certificate, or an attested copy thereof, shall be prima facie evidence of the result of the election in actions under this chapter.
16. Any qualified voter may demand a recount of the votes or contest the election in the same manner as is provided for the recount of votes or contest of general elections of county officers.
17. When a majority of the votes cast in a local option election is in favor of prohibition in the territory, prohibition shall be in force and effect at the expiration of sixty (60) days from the date of the entry of the certificate of the County Board of Election Commissioners in the order book of the Mayor.
18. If prohibition is voted in, those holding alcohol licenses in the prohibited are entitled to a partial refund of their licenses fees.

PETITION IN FAVOR OF WET/DRY VOTE

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