



ALCOHOL ELECTION PROCESS

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What Do I Have To Do To Have A Wet/Dry Election?



KRS Chapter 242 Alcoholic Beverages - Local Option To The Rescue!

▶ Who Can Have A Local Option Election?

▶ Counties

- ▶ Once local option election is held, the county cannot have another local option election for 3 years.
- ▶ Wet and limited restaurant allowed

▶ Cities

- ▶ A city can have its own separate election before 3 years after a county election.
- ▶ Wet and limited restaurant allowed

► Precinct

- Golf Course Moist
- Small Farm Winery Moist
- Sunday Sales at Small Farm Winery
- Qualified Historic Site Moist
- Horse Race Track Moist
- State Park Moist
- Distillery Moist (Until July 15, 2019)

Precinct elections have specific questions associated with them.

So What's Next?



Petition

1. Intent to circulate a petition must be filed

- Must include copy of the unsigned petition
- Filed with the county clerk
- If the election is not held on a primary or regular election day, the petitioners must pay for the election. Cost is determined by county judge executive. Must post bond with Circuit Court.

Petition

2. Petition Must:

- ▶ Be signed by a number of registered voters in the “territory” equal to 25% of votes cast in last preceding general election.
- ▶ State the date of the local option election.
- ▶ Contain voter’s signature and legibly printed name, residence address, year of birth, and date voter signed the petition.
- ▶ 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)?’”
- ▶ Can only be circulated 6 months before its filing

Petition

3. County Judge Executive sets the date

- ▶ Enters the order on the order book of the court directing that the questions be placed on the ballot for the next primary or regular election
 - ▶ If other than a primary or regular election petitioner must pay for the election
 - ▶ Petitioner must post bond with Circuit Court within ***five days after the signed petition is filed with the County Clerk***
 - ▶ Filing deadline for petition is same as other filing deadlines: Last Tuesday in January and August

Election

- ▶ Shall be held not earlier than 60 and not later than 150 days after the petition is filed
- ▶ May be held on primary or regular election day
- ▶ For any territory less than the county, may be held on the same day as the county wide election is held
- ▶ No local option election may be held in same territory more than once in three years
- ▶ "Territory" means a county, city, district, or precinct

Effective Date of Wet/Moist Election Results

The results of the election become effective 60 days after the election is certified.

If the measure passes, the territory becomes wet/moist after 60 days.

County or city needs to start the ordinance process immediately after the local option election so local licenses and fees are in place before it becomes wet/moist.

Precinct Elections After a City or County Election

- ▶ If a county votes to become fully wet, precincts within the county are permitted to have their own separate elections to become dry again
- ▶ If a city votes to become fully wet, precincts within the city are permitted to have their own separate elections to become dry again
- ▶ If a precinct votes to become dry separately from the county/city, it can later vote to return to wet status
- ▶ If the county or city votes dry, a precinct CANNOT have a separate election to become wet separately from the county or city

Annexation/Merger

- ▶ If a city annexes county territory or part of one precinct into a different precinct, the annexed territory assumes the same local option status as the local option status of the annexing city precinct
- ▶ However, if part of a county precinct is merged or annexed into a different county precinct, it retains its status irrespective of the status of the annexing precinct

Local Government Ordinance Subjects

▶ Sales

- ▶ Alcohol sales are permitted on election days, but local governments may, ***but are not required to***, enact ordinances to prohibit alcohol when polls are open
- ▶ Hours of sale ***under state law*** are 6:00am to 12:00pm (midnight), Monday through Saturday
- ▶ Local governments may, ***but are not required to***, enact ordinances extending the hours of sale past midnight and on Sundays
 - ▶ Exception: Extended hours Supplemental License (NQ1, Qualified Historic Site, or airport)

Local Government Ordinance Subjects

- ▶ Local Ordinances may strictly regulate adult entertainment
- ▶ Local ordinances may **NOT** limit the number of quota licenses allotted by city or county, add to licensing requirements, or rank/select quota licenses
- ▶ Department reviews ordinances for newly wet counties and cities and advises of any conflicts with state or other potential problems
- ▶ Any penalty ordered by the local ABC administrator penalizing licensee for violation of an ordinance can be appealed to the Board

Types of Alcoholic Beverage Licenses Available After a Successful Wet Election

- ▶ All types of STATE alcoholic beverage licenses listed in KRS 243.030 and KRS 243.040 are available.
- ▶ All types of COUNTY alcoholic beverage licenses listed in KRS 243.060 are available.
- ▶ All types of CITY alcoholic beverage licenses listed in KRS 243.070 are available.

Main Retail License Types after Fully Wet Election

- ▶ Quota Retail Package license(QP/LP)
- ▶ Non-Quota Retail Malt Beverage Package license (NQ)
- ▶ Quota Retail Drink license (QD/LD)
- ▶ Non-Quota Retail Deink licenses (NQ1, NQ2, NQ3, NQ4)
- ▶ Temporary Drink licenses (T)

“Moist” Elections

- ▶ Moist means a territory in which the electorate voted to allow alcohol sales limited by a particular business type through a limited option election
 - ▶ Golf Course Moist
 - ▶ Small Farm Winery Moist
 - ▶ Sunday Sales at Small Farm Winery
 - ▶ Qualified Historic Site Moist
 - ▶ Horse Race Track Moist
 - ▶ State Park Moist
 - ▶ Distillery Moist (Until July 15, 2019)

“Moist” Elections

- ▶ A moist county or qualified city can later have an election to become fully wet. If the wet election passes, then the city or county is **BOTH** wet and moist
- ▶ Petition and ballot questions are specific for the type of limited alcohol sales desired. See KRS 242 for specifics
- ▶ No other license types are available than those approved by the moist election

Remember
**242 to the
Rescue!**



Thank You for Your Attention!

▶ Additional Information

- ▶ Department's website: <http://www.abc.ky.gov/>
- ▶ Department phone: 502-564-4850
- ▶ Email legal questions: abc.legal@ky.gov
- ▶ Kentucky Revised Statutes can be found online

Questions?
