

**177.760 Submission of question to the people -- Duties of Secretary of State.**

KRS 177.700 to 177.820 shall be submitted to the people of the Commonwealth at the general election to be held on November 8, 1960. The fact of such submission shall be publicly advertised in the following ways:

- (1) It shall be the duty of the Secretary of State, immediately after September 1, 1960, to determine whether the ballot question shall be the one set forth in KRS 177.740, or the one set forth in KRS 177.750, and to inform the Attorney General of the Commonwealth of such determination. It shall then be the duty of the Attorney General to prepare and furnish to the Secretary of State, not later than September 15, 1960, a form of "Notice of Election," which shall be so designated, shall conform to any requirements otherwise provided by law for notices of elections, and further shall set forth the proper ballot question in full, and KRS 177.700 to 177.820 in full, with provisions for the signature of the Secretary of State. The Secretary of State shall transmit a copy of such form of "Notice of Election" to each of five (5) daily newspapers of bona fide general circulation, published in different areas of the Commonwealth and selected in the discretion of the Secretary of State, with directions that the same be published in each of such newspapers in the form of a legal notice, in one (1) issue published in each of the calendar weeks commencing on Mondays, October 10, 17, 24, and 31, 1960, but not in any Sunday issue. Each such newspaper shall publish the same as directed, in the size type customarily used by it in publishing legal notices, and shall be entitled to payment according to its standard prevailing rate for publication of legal notices. After the last publication, each such newspaper shall provide to the Secretary of State, with or before its bill for publication, at least three (3) copies of an affidavit sufficient to constitute proper proof of publication, and if the Secretary of State finds the same to be in order he shall be authorized to draw a warrant upon the State Treasurer for payment from uncommitted moneys in the general fund of the Commonwealth.
- (2) The Secretary of State shall deliver a copy of said form of "Notice of Election" to the state printer, and thereupon the state printer shall promptly prepare and furnish to the Secretary of State at least one hundred twenty-five (125) copies of such notice in the form of handbills of sufficient size and type composition as to be ordinarily legible. The Secretary of State shall furnish a copy of the notice in such handbill form to the county clerk of each county of the Commonwealth, and it shall be the duty of each county clerk, upon receiving the same, to post the same at or near the county courthouse door, or otherwise as notices of judicial sales and other court proceedings are customarily posted.
- (3) Each county clerk shall cause a facsimile of the ballot question to be published as may be required by law.
- (4) If the Secretary of State shall perform in proper and timely fashion each of the duties provided in this section to be performed by him, any failure of others to perform duties and functions as herein provided shall not invalidate the election as to approval or disapproval of KRS 177.700 to 177.820, if upon consideration of the Commonwealth as a whole, it shall appear that the qualified voters were fairly apprised of the election.

**Effective:** June 17, 1978

**History:** Amended 1978 Ky. Acts ch. 384, sec. 302, effective June 17, 1978. -- Created 1960 Ky. Acts ch. 106, sec. 8, effective June 16, 1960.