

67.832 Petition to form commission to study adoption of charter county form of government or consolidation of agencies and services. (Effective January 1, 2013)

- (1) A petition authorized pursuant to KRS 67.830(2) shall meet the requirements of this section. The petition shall be drafted in such a way that the effect of signing the petition is to support the formation of a commission to study the question of the adoption of a charter county form of government or the consolidation of any agency, subdivision, department, or subdistrict providing any services or performing any function for a city or a county.
- (2) Any five (5) qualified voters within the unincorporated area of the county or five (5) qualified voters within the most populous city within the county may commence petition proceedings by filing with the county clerk an affidavit stating they constitute the petition committee and will be responsible for circulating the petition and filing it in proper form. The affidavit shall:
 - (a) State the names and addresses of the committee members;
 - (b) Specify the address to which all notices to the committee are to be sent; and
 - (c) Set out in full the proposal to be considered by the voters.
- (3) No later than fourteen (14) business days after the affidavit of the petition committee is filed, the county clerk shall:
 - (a) Notify the petition committee of all statutory requirements for petitions under this section; and
 - (b) Deliver a copy of the affidavit to the fiscal court and the legislative body of each city within the county.
- (4) In form, a petition to be filed under this section shall:
 - (a) Be uniform in size and style;
 - (b) Be assembled as one (1) instrument for filing;
 - (c) Contain signatures that are executed in ink or indelible pencil. The petition shall be signed by registered voters and the petition shall include:
 1. The signature of the registered voter;
 2. The printed name of the registered voter;
 3. The residential address of the registered voter;
 4. The date of birth of the registered voter; and
 5. The date of signature of the petition.
 - (d) Be signed by a number of voters:
 1. Equal to at least twenty percent (20%) of the county's residents in the unincorporated areas of the county voting in the preceding regular election; and
 2. Equal to at least twenty percent (20%) of the residents of the incorporated areas of the county voting in the preceding regular election; and
 - (e) Contain or have attached throughout its circulation, the full text of the

proposal.

- (5) When it is filed, each sheet of a petition shall have an affidavit executed by the circulator stating:
 - (a) That he or she personally circulated the sheet;
 - (b) The number of signatures contained on the petition;
 - (c) That all signatures were affixed in his or her presence;
 - (d) That each signer had an opportunity before signing to read the full text of the proposal; and
 - (e) That he or she believes them to be genuine signatures of registered voters in the county.
- (6)
 - (a) Within thirty (30) days after the petition is filed, the county clerk shall complete a certificate as to its sufficiency.
 - (b) If the county clerk finds the petition sufficient, the clerk shall send a certificate of the petition's sufficiency, by certified mail, to:
 1. The petition committee;
 2. The fiscal court of the county; and
 3. The legislative body of each city within the county.
 - (c) If the county clerk finds the petition is insufficient, the clerk shall:
 1. File a certificate of insufficiency specifying the particulars making it insufficient; and
 2. Send a copy of the certificate, by certified mail, to:
 - a. The petition committee;
 - b. The fiscal court of the county; and
 - c. The legislative body of each city within the county.
- (7)
 - (a) A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petition committee files:
 1. A notice of intention to amend it with the county clerk within five (5) days after receiving the certificate of insufficiency; and
 2. A supplemental petition upon additional sheets within thirty (30) days of receiving the certificate of insufficiency. The supplemental sheets shall comply with all requirements established by subsection (4) of this section.
 - (b) Within ten (10) days after the supplemental petition is filed, the county clerk shall determine if the amended petition is sufficient. If the county clerk finds the amended petition sufficient, the clerk shall complete a certificate of sufficiency and send a copy of certificate of the petition's sufficiency, by certified mail, to:
 1. The petition committee;
 2. The fiscal court of the county; and
 3. The legislative body of each city within the county.

- (8) A final determination as to the sufficiency of a petition shall be subject to review in the Circuit Court of the county. This review shall be limited to the validity of the county clerk's determination. A final determination of insufficiency shall not prejudice the filing of a new petition for the same purpose in accordance with this section.

Effective: January 1, 2013

History: Created 2012 Ky. Acts ch. 63, sec. 1, effective January 1, 2013.

Legislative Research Commission Note (1/1/2013). Under the authority of KRS 7.136(1), the Reviser of Statutes has altered the format of the text in subsection (6) of this statute during codification. The words in the text were not changed.