

House Bill 468

By: Representative Williams of the 4th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the
2 local authorization and regulation of sales of alcoholic beverages on Sunday, so as to provide
3 that in each county or municipality in which package sales of only malt beverages and wine
4 by retailers is lawful, the governing authority of the county or municipality, as appropriate,
5 may authorize package sales by a retailer of malt beverages and wine on Sundays from 12:30
6 P.M. until 7:00 P.M., if approved by referendum; to provide that in each county or
7 municipality in which package sales of malt beverages, wine, and distilled spirits by retailers
8 are all lawful, the governing authority of the county or municipality, as appropriate, may
9 authorize package sales by a retailer of malt beverages, wine, and distilled spirits on Sundays
10 from 12:30 P.M. until 7:00 P.M., if approved by referendum; to provide procedures; to
11 provide for applicability; to provide for related matters; to repeal conflicting laws; and for
12 other purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**

15 Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local
16 authorization and regulation of sales of alcoholic beverages on Sunday, is amended by
17 adding new subsections to read as follows:

18 "(p)(1) Notwithstanding other laws, in each county or municipality in which package
19 sales of malt beverages and wine by retailers is lawful, but package sales of distilled
20 spirits by retailers is not lawful, the governing authority of the county or municipality, as
21 appropriate, may authorize package sales by retailers of malt beverages and wine on
22 Sundays from 12:30 P.M. until 7:00 P.M., if such Sunday sales of both malt beverages
23 and wine are approved by referendum as provided in paragraph (2) of this subsection.

24 (2) Any governing authority desiring to permit and regulate package sales by retailers
25 of both malt beverages and wine on Sunday from 12:30 P.M. until 7:00 P.M., pursuant
26 to paragraph (1) of this subsection, shall so provide by proper resolution or ordinance.

1 Upon receipt of the resolution or ordinance, the election superintendent shall issue the
 2 call for an election for the purpose of submitting the question of Sunday package sales
 3 by retailers of both malt beverages and wine to the electors of that county or municipality
 4 for approval or rejection. The election superintendent shall issue the call and shall
 5 conduct the election on a date and in the manner authorized under Code Section
 6 21-2-540. The election superintendent shall cause the date and purpose of the election
 7 to be published once a week for four weeks immediately preceding the date of the
 8 election in the official organ of the county. The ballot shall have written or printed
 9 thereon the words:

10 '() YES Shall the governing authority of (name of county or municipality) be
 11 authorized to permit and regulate package sales by retailers of both malt
 12 () NO beverages and wine on Sundays from 12:30 P.M. until 7:00 P.M.?'
 13

14 All persons desiring to vote for approval of package sales by retailers of malt beverages
 15 and wine on Sundays from 12:30 P.M. until 7:00 P.M. shall vote 'Yes,' and all persons
 16 desiring to vote for rejection of package sales by retailers of malt beverages and wine on
 17 Sundays from 12:30 P.M. until 7:00 P.M. shall vote 'No.' If more than one-half of the
 18 votes cast on the question are for approval of Sunday package sales by retailers of malt
 19 beverages and wine on Sundays from 12:30 P.M. until 7:00 P.M., the resolution or
 20 ordinance approving such Sunday package sales by retailers of malt beverages and wine
 21 shall become effective upon the date so specified in that resolution or ordinance. The
 22 expense of the election shall be borne by the county or municipality in which the election
 23 is held. The election superintendent shall canvass the returns, declare the result of the
 24 election, and certify the result to the Secretary of State.

25 (3) Whenever package sales of malt beverages and wine on Sundays from 12:30 P.M.
 26 until 7:00 P.M. are authorized by a county or municipality pursuant to this subsection,
 27 Sunday package sales by retailers of malt beverages and wine may be made only by
 28 licensed retailers, licensed to sell by the package.

29 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu
 30 of any other provisions of this title relative to the sale of malt beverages and wine by
 31 retailers.

32 (q)(1) Notwithstanding other laws, in each county or municipality in which package
 33 sales of malt beverages, wine, and distilled spirits by retailers are all lawful, the
 34 governing authority of the county or municipality, as appropriate, may authorize package
 35 sales by retailers of malt beverages, wine, and distilled spirits on Sundays from 12:30
 36 P.M. until 7:00 P.M., if such Sunday sales of malt beverages, wine, and distilled spirits
 37 are approved by referendum as provided in paragraph (2) of this subsection. Pursuant to
 this subsection, the governing authority may not seek authorization for Sunday sales of

1 only one type of alcoholic beverage, instead the governing authority must seek
 2 authorization of packages sales by retailers of all alcoholic beverages, including malt
 3 beverages, wine, and distilled spirits.

4 (2) Any governing authority desiring to permit and regulate package sales by retailers
 5 of malt beverages, wine, and distilled spirits on Sunday from 12:30 P.M. until 7:00 P.M.,
 6 pursuant to paragraph (1) of this subsection, shall so provide by proper resolution or
 7 ordinance. Upon receipt of the resolution or ordinance, the election superintendent shall
 8 issue the call for an election for the purpose of submitting the question of Sunday
 9 package sales by retailers of malt beverages, wine, and distilled spirits to the electors of
 10 that county or municipality for approval or rejection. The election superintendent shall
 11 issue the call and shall conduct the election on a date and in the manner authorized under
 12 Code Section 21-2-540. The election superintendent shall cause the date and purpose of
 13 the election to be published once a week for four weeks immediately preceding the date
 14 of the election in the official organ of the county. The ballot shall have written or printed
 15 thereon the words:

16 '() YES Shall the governing authority of (name of county or municipality) be
 17 authorized to permit and regulate package sales by retailers of malt
 18 () NO beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00
 19 P.M.?'

20 All persons desiring to vote for approval of package sales by retailers of malt beverages,
 21 wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00 P.M. shall vote 'Yes,'
 22 and all persons desiring to vote for rejection of package sales by retailers of malt
 23 beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00 P.M. shall
 24 vote 'No.' If more than one-half of the votes cast on the question are for approval of
 25 Sunday package sales by retailers of malt beverages, wine, and distilled spirits on
 26 Sundays from 12:30 P.M. until 7:00 P.M., the resolution or ordinance approving such
 27 Sunday package sales by retailers of malt beverages, wine, and distilled spirits shall
 28 become effective upon the date so specified in that resolution or ordinance. The expense
 29 of the election shall be borne by the county or municipality in which the election is held.
 30 The election superintendent shall canvass the returns, declare the result of the election,
 31 and certify the result to the Secretary of State.

32 (3) Whenever package sales of malt beverages, wine, and distilled spirits on Sundays
 33 from 12:30 P.M. until 7:00 P.M. are authorized by a county or municipality pursuant to
 34 this subsection, Sunday package sales by retailers of malt beverages, wine, and distilled
 35 spirits may be made only by licensed retailers, licensed to sell by the package.

36 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu
 37 of any other provisions of this title relative to the sale of alcoholic beverages by retailers."

- 1 **SECTION 2.**
- 2 All laws and parts of laws in conflict with this Act are repealed.