

House Bill 96

By: Representative Amerson of the 9th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 4 of Title 3 of the Official Code of Georgia Annotated,
2 relating to local authorization and regulations for manufacture, distribution, and package
3 sales of distilled spirits, so as to provide for a petition for referendum to call for a vote to
4 approve the sale of distilled spirits in a county or municipality; to provide for related matters;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 4 of Title 3 of the Official Code of Georgia Annotated, relating to local
9 authorization and regulations for manufacture, distribution, and package sales of distilled
10 spirits, is amended by revising Code Section 3-4-41, relating to a petition for referendum and
11 a notice of call for such referendum, as follows:

12 "3-4-41.

13 (a) Upon a written petition containing the signatures of at least ~~35~~ 5 percent of the
14 registered and qualified voters of any municipality or county being filed with the election
15 superintendent of the county or municipality, such superintendent, upon validation of the
16 petition, shall be required to call and hold a referendum election for the purpose of
17 submitting to the qualified voters of the municipality or county, as the case may be, the
18 question of whether the manufacture, sale, and distribution of distilled spirits in the
19 political subdivision shall be permitted or prohibited. Such petition shall not be amended,
20 supplemented, or returned after its presentation to the appropriate authority. Validation
21 shall, for the purposes of this Code section, be the procedure in which the election
22 superintendent determines whether each signature on the petition is the name of a
23 registered and qualified voter.

24 (b) For purposes of this Code section, the required number of signatures of registered
25 voters of a political subdivision shall be computed based on the number of voters qualified
26 to vote at the general election immediately preceding the presentation of the petition.

27 Actual signers of the petition shall be registered and qualified to vote in the referendum
28 election sought by the petition. Upon determining that the petition contains a sufficient
29 number of valid signatures, the election superintendent shall set the date of the referendum
30 election in accordance with Code Section 21-2-250, relating to general primaries for not
31 ~~less than 30 nor more than 60 days after the call. The referendum may be held as a special~~
32 ~~referendum election or may be held at the time of holding any other primary or election in~~
33 ~~such county or municipality if such other primary or election is to be held not more than~~
34 ~~60 days after the call.~~

35 (c) Notice of the call for the referendum shall be published by the election superintendent
36 in the official organ of the county or, in the case of a municipality, in a newspaper of
37 general circulation in the municipality. The election superintendent shall also cause the date
38 and purpose of the referendum to be published in the official organ of the county or, in the
39 case of a municipality, in a newspaper of general circulation in the municipality, once a
40 week for two weeks immediately preceding the date of the election.

41 (d) Following the expiration of two years after any election is held which results in the
42 disapproval of sales as provided in this article, another election on this question shall be
43 held if another petition, as provided in subsection (a) of this Code section, is filed with the
44 appropriate election superintendent."

45 **SECTION 2.**

46 All laws and parts of laws in conflict with this Act are repealed.