

House Bill 849

By: Representatives Amerson of the 9th, Rogers of the 26th, Kidd of the 141st, Lindsey of the 54th, Stephens of the 164th, and others

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 that an election superintendent shall call and hold
4 a referendum upon receipt of a resolution or ordinance from the governing authority of a
5 municipality or county desiring to permit or prohibit the manufacture, sale, and distribution
6 of distilled spirits in the political subdivision; to change certain provisions relating to
7 procedure for election for the purpose of nullifying a previous election; to provide for related
8 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

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

15 "3-4-41.

16 (a) Upon the approval of a proper resolution or ordinance of any governing authority of
17 a municipality or county desiring to permit or prohibit the manufacture, sale, and
18 distribution of distilled spirits in the political subdivision or upon a written petition
19 containing the signatures of at least 35 percent of the registered and qualified voters of any
20 municipality or county being filed with the election superintendent of the county or
21 municipality, such superintendent, upon receipt of the resolution or ordinance or upon
22 validation of the petition, shall be required to call and hold a referendum election for the
23 purpose of submitting to the qualified voters of the municipality or county, as the case may
24 be, the question of whether the manufacture, sale, and distribution of distilled spirits in the
25 political subdivision shall be permitted or prohibited. Such petition shall not be amended,
26 supplemented, or returned after its presentation to the appropriate authority. Validation

27 shall, for the purposes of this Code section, be the procedure in which the election
 28 superintendent determines whether each signature on the petition is the name of a
 29 registered and qualified voter.

30 (b) For purposes of this Code section, the required number of signatures of registered
 31 voters of a political subdivision shall be computed based on the number of voters qualified
 32 to vote at the general election immediately preceding the presentation of the petition.
 33 Actual signers of the petition shall be registered and qualified to vote in the referendum
 34 election sought by the petition. Upon determining that the petition contains a sufficient
 35 number of valid signatures, the election superintendent shall set the date of the referendum
 36 election for not less than 30 nor more than 60 days after the call. The referendum may be
 37 held as a special referendum election or may be held at the time of holding any other
 38 primary or election in such county or municipality if such other primary or election is to
 39 be held not more than 60 days after the call.

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

46 (d) Following the expiration of two years after any election is held which results in the
 47 disapproval of sales as provided in this article, another election on this question shall be
 48 held if another resolution, ordinance, or petition, as provided in subsection (a) of this Code
 49 section, is filed with the appropriate election superintendent."

50 SECTION 2.

51 Said article is further amended by revising Code Section 3-4-47, relating to procedure for
 52 election for the purpose of nullifying a previous election, as follows:

53 "3-4-47.

54 (a) In any county or municipality which has at any time held an election in accordance
 55 with this article, resulting in the approval of the issuance of licenses for the package sales
 56 of distilled spirits, the election superintendent of the county or municipality shall, upon
 57 receipt of a proper resolution or ordinance from the governing authority of the political
 58 subdivision concerned or a petition signed by at least 35 percent of the registered qualified
 59 voters of the political subdivision concerned, proceed to call another election in the same
 60 manner as provided in this article for the purpose of nullifying the previous election result.

61 (b) No election held pursuant to this Code section shall be called or held within two years
62 after the date of the declaration of the result of the previous election held for such purpose
63 under this article."

64 **SECTION 3.**

65 This Act shall become effective upon its approval by the Governor or upon its becoming law
66 without such approval.

67 **SECTION 4.**

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