

Senate Bill 244

By: Senators Jones of the 25th, Hill of the 6th, Harper of the 7th, Miller of the 49th, Ginn of the 47th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 4 of Title 3 of the Official Code of Georgia Annotated, relating to distilled  
2 spirits, so as to provide that an election superintendent shall call and hold a referendum  
3 election upon the filing of a resolution or ordinance by the governing authority of a  
4 municipality or county desiring to permit or prohibit the manufacture, sale by the package,  
5 and distribution of distilled spirits within its jurisdiction; to change certain provisions relating  
6 to when and how the referendum election is called; to change certain procedures relating to  
7 a referendum 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 Chapter 4 of Title 3 of the Official Code of Georgia Annotated, relating to distilled spirits,  
12 is amended by adding a new subsection to and revising subsection (d) of Code Section  
13 3-4-41, relating to when and how election called, as follows:

14 "(b.1) Upon the passage of a resolution or ordinance of any governing authority of a  
15 municipality or county indicating its desire to permit or prohibit the manufacture, sale, and  
16 distribution of distilled spirits in the political subdivision being filed with the election  
17 superintendent of the county or municipality, such superintendent shall be required to call  
18 and hold a referendum election for the purpose of submitting to the qualified voters of the  
19 municipality or county, as the case may be, the question of whether the manufacture, sale,  
20 and distribution of distilled spirits in the political subdivision shall be permitted or  
21 prohibited."

22 "(d) Following the expiration of two years after any election is held which results in the  
23 disapproval of sales as provided in this article, another election on this question shall be  
24 held if another petition, as provided in subsection (a) of this Code section, or a resolution  
25 or ordinance, as provided in subsection (b.1) of this Code section, is filed with the  
26 appropriate election superintendent."

27 **SECTION 2.**

28 Said chapter is further amended by revising Code Section 3-4-47, relating to election for  
29 purpose of nullifying previous election, as follows:

30 "3-4-47.

31 (a) In any county or municipality which has at any time held an election in accordance  
32 with this article, resulting in the approval of the issuance of licenses for the package sales  
33 of distilled spirits, the election superintendent of the county or municipality shall, upon a  
34 petition signed by at least 35 percent of the registered qualified voters of the political  
35 subdivision concerned, as provided in subsection (a) of Code Section 3-4-41, or a  
36 resolution or ordinance, as provided in subsection (b.1) of Code Section 3-4-41, proceed  
37 to call another election in the same manner as provided in this article for the purpose of  
38 nullifying the previous election result.

39 (b) No election held pursuant to this Code section shall be called or held within two years  
40 after the date of the declaration by the election superintendent of the ~~result~~ results of the  
41 previous election held for such purpose under this article."

42 **SECTION 3.**

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

45 **SECTION 4.**

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