

Senate Bill 145

By: Senators Brass of the 28th, Miller of the 49th, Watson of the 1st, Gooch of the 51st,
Jones of the 25th and others

AS PASSED SENATE

**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 modify the petition requirements for initiating a referendum
4 election for the authorization of the issuance of licenses for the package sale of distilled
5 spirits; to provide an additional method of initiating such a referendum election; to change
6 certain provisions relating to the procedures for calling and conducting certain referendum
7 elections and the nullifications thereof; to provide for related matters; to provide for an
8 effective date; to repeal conflicting laws; and for other purposes.

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

10 **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 petition for referendum and
14 notice of call for referendum, as follows:

15 "3-4-41.

16 (a) A referendum election to authorize the issuance of licenses for the package sale of
17 distilled spirits may be initiated upon an ordinance or resolution from the governing
18 authority of any municipality or county or upon a written petition containing the signatures
19 of at least 35 20 percent of the registered and qualified voters of any municipality or county
20 being filed with the election superintendent of the county or municipality. Such
21 superintendent, upon validation of the ordinance, resolution, or petition, shall be required
22 to call and conduct a referendum election as provided for in Chapter 2 of Title 21, the
23 'Georgia Election Code,' for the purpose of submitting to the qualified voters of the
24 municipality or county, as the case may be, the question of whether the issuance of licenses
25 for the package sale of distilled spirits in the political subdivision shall be permitted or
26 prohibited. Such ordinance, resolution, or petition shall not be amended, supplemented,
27 or returned after its presentation to the appropriate authority. Validation shall, for the
28 purposes of petitions authorized under this Code section, be the procedure in which the
29 election superintendent determines whether each signature on the petition is the name of
30 a registered and qualified voter.

31 (b) For purposes of petitions authorized under this Code section, the required number of
32 signatures of registered voters of a political subdivision shall be computed based on the
33 number of voters qualified to vote at the general election immediately preceding the
34 presentation of the petition. Actual signers of the petition shall be registered and qualified
35 to vote in the referendum election sought by the petition. Upon determining that the
36 petition contains a sufficient number of valid signatures or upon receipt of an ordinance or
37 resolution, the election superintendent shall set the date of the referendum election ~~for not~~
38 ~~less than 30 nor more than 60 days after the call~~ on a date authorized under Code Section
39 21-2-540. The referendum may be held as a special referendum election or may be held
40 at the time of holding any other primary or election in such county or municipality ~~if such~~
41 ~~other primary or election is to be held not more than 60 days after the call.~~

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

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

SECTION 2.

Said article is further amended by revising subsection (a) of Code Section 3-4-46, relating to procedure for conduct of election for purpose of nullifying previous election result, as follows:

"(a) In any county or municipality which has at any time held a referendum election in accordance with this article, resulting in the approval of the issuance of licenses for the package sale of distilled spirits, the election superintendent of the county or municipality shall, upon the filing of ~~a~~ an ordinance, resolution, or petition as provided in subsection (a) of Code Section 3-4-41, proceed to call another referendum election in the same manner as provided in this article for the purpose of nullifying the previous referendum election result."

SECTION 3.

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

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SECTION 4.

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