

1 HB281
2 127480-1
3 By Representative Roberts
4 RFD: County and Municipal Government
5 First Read: 22-MAR-11

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8 SYNOPSIS: Under existing law, a wet-dry municipal
9 option election is required to be held in a
10 qualifying municipality at the time of the next
11 primary, general, countywide, or municipal election
12 next after the date an election petition is filed,
13 provided the election is at least 30 days after the
14 date of the petition filing, to determine the
15 sentiment of the people as to whether or not
16 alcoholic beverages can be legally sold or
17 distributed in the municipality.

18 This bill would allow a qualified
19 municipality to schedule a wet-dry municipal option
20 election at any time after a petition is filed to
21 determine the sentiment of the people as to whether
22 or not alcoholic beverages can be legally sold or
23 distributed in the municipality.

24 This bill would provide that a second or
25 subsequent election may be held in a municipality
26 not sooner than 90 days after a previous election
27 to determine the sentiment of the people as to

1 whether or not alcoholic beverages can be legally
2 sold or distributed in the municipality.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To amend Section 28-2A-1 of the Code of Alabama
9 1975, relating to the procedure for wet or dry classification
10 option elections; to allow a qualified municipality to
11 schedule a wet-dry municipal option election at any time after
12 a petition is filed to determine the sentiment of the people
13 as to whether or not alcoholic beverages can be legally sold
14 or distributed in the municipality; and to provide that a
15 second or subsequent election may be held in a municipality
16 not sooner than 90 days after a prior election to determine
17 the sentiment of the people as to whether or not alcoholic
18 beverages can be legally sold or distributed in the
19 municipality.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 28-2A-1 of the Code of Alabama
22 1975, is amended to read as follows:

23 "§28-2A-1.

24 "(a) Any municipality having a population of 1,000
25 or more, excluding Clay, Randolph, and Blount Counties, may
26 change its classification from dry to wet or wet to dry by a

1 municipal option election, ~~in the following manner~~ as provided
2 by this section.

3 "(b) Upon petition of 30 percent of the number of
4 voters voting in the last preceding general election of the
5 municipality being filed with the city or town clerk or
6 governing body of ~~said the~~ municipality, ~~said the~~ governing
7 body must call a municipal option election for ~~said the~~ the
8 municipality to determine the sentiment of the people as to
9 whether or not alcoholic beverages can be legally sold or
10 distributed in ~~said the~~ municipality. ~~Said The~~ petition for
11 municipal option election shall contain the following: "It is
12 petitioned that a municipal option election be held to permit
13 the legal sale and distribution of alcoholic beverages within
14 this municipality." On the ballot to be used for ~~such the~~ the
15 municipal option election, the question shall be in the
16 following form: "Do you favor the legal sale and distribution
17 of alcoholic beverages within this municipality? Yes _____ No
18 _____." Each subsequent municipal option election ~~must~~ shall
19 follow the petition process as provided in this subsection
20 with a new petition.

21 "(c) ~~Said The~~ municipal option election shall be
22 held and the officers appointed to hold ~~same the election~~ the election in
23 the manner provided by law for holding other municipal
24 elections and the returns ~~thereof~~ of the election tabulated
25 and the results certified as provided by law for ~~such the~~ the
26 municipal elections. ~~Said The~~ municipal option election shall
27 be held at the time of the primary, general, ~~county-wide~~

1 countywide, or municipal election next succeeding the date of
2 the filing of ~~said~~ the petition, provided, however, ~~said~~ the
3 election shall not be held within less than 30 days from the
4 date of the filing of ~~said~~ the petition. Notice of ~~said~~ the
5 municipal option election shall be given by the governing body
6 of the municipality by publication at least three weeks before
7 the date of election, in a newspaper in the municipality, or,
8 if there be none, in a newspaper in the county, or, if there
9 be neither, by posting ~~such~~ the notice at the town or city
10 hall, apprising the voters of the municipality that a
11 municipal option election shall be held to determine whether
12 ~~such~~ the municipality shall be wet or dry under this article.
13 The cost of ~~said~~ the municipal option election, including the
14 cost of notice by publication, shall be paid out of the
15 general fund of the municipality.

16 "(d) Only qualified voters shall vote in ~~said~~ the
17 municipal option election. If a majority of the voters in ~~said~~
18 the municipal option election vote "yes," ~~said~~ the
19 municipality shall be wet, and alcoholic beverages can be
20 legally sold, distributed, and consumed within the corporate
21 limits of ~~said~~ the municipality, and all of the provisions of
22 this title, relating to alcoholic beverages in wet counties,
23 including Chapters 3, 3A, 6, and 7, shall be immediately put
24 into operation with respect to and effective within the
25 corporate limits of ~~said~~ the municipality. ~~Said~~ The
26 municipality shall remain wet until ~~said~~ the municipality
27 shall be in subsequent municipal option election held under

1 this article changed to a dry municipality, notwithstanding
2 the results of any subsequent county election or special
3 method referendum. All other laws to the contrary
4 notwithstanding, the electors residing within the corporate
5 limits of any ~~such~~ municipality that has become wet pursuant
6 to a municipal option election held under this article shall
7 not be entitled to vote in any subsequent county election or
8 special method referendum held to determine if the county in
9 which ~~such~~ the municipality is located shall become wet. The
10 question of whether ~~such~~ the county shall become wet shall be
11 decided by the electors of ~~such~~ the county residing outside
12 the corporate limits of ~~such~~ the wet municipality as otherwise
13 provided by law.

14 "(e) If a majority of the voters voting in ~~said~~ the
15 municipal option election vote "no," ~~said~~ the municipality
16 shall be a dry municipality under the terms of this article
17 until the county shall by subsequent election or special
18 referendum, vote wet, or the municipality shall by a
19 subsequent municipal option election held under this article,
20 vote wet.

21 "(f) ~~Said~~ The municipal option election in ~~said~~ the
22 municipality may be held at the time of any primary, general,
23 ~~county-wide~~ countywide, ~~or~~ municipal election, or at any time
24 as determined by the county commission or the municipal
25 governing body, as applicable, provided a period of not less
26 than ~~720~~ 90 days ~~must elapse~~ has elapsed between the dates of
27 ~~such~~ a prior municipal option elections; ~~provided further,~~

1 ~~that~~ however, a county wet-dry election or special method
2 referendum may be held at any time without regard to the lapse
3 of time between the dates of any county option elections."

4 Section 2. This act shall become effective
5 immediately following its passage and approval by the
6 Governor, or its otherwise becoming law.