

House Bill 273

By: Representatives Ballinger of the 23rd, Carpenter of the 4th, Collins of the 68th, and Dollar of the 45th

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

14 "3-4-41.

15 (a) A referendum election to authorize the issuance of licenses for the package sale of
16 distilled spirits may be initiated upon an ordinance or resolution from the governing

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

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

41 (c) Notice of the call for the referendum election shall be published by the election
42 superintendent in the official organ of the county or, in the case of a municipality, in a
43 newspaper of general circulation in the municipality. The election superintendent shall also

44 cause the date and purpose of the referendum election to be published in the official organ
45 of the county or, in the case of a municipality, in a newspaper of general circulation in the
46 municipality, once a week for two weeks immediately preceding the date of the referendum
47 election.

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

52 **SECTION 2.**

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

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

63 **SECTION 3.**

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

66 **SECTION 4.**

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