

1 HB667  
2 169322-4  
3 By Representative Johnson (K)  
4 RFD: County and Municipal Government  
5 First Read: 14-MAY-15



1 determine the sentiment of the people as to whether or not  
2 alcoholic beverages can be legally sold or distributed in said  
3 municipality. Said petition for municipal option election  
4 shall contain the following: "It is petitioned that a  
5 municipal option election be held to permit the legal sale and  
6 distribution of alcoholic beverages within this municipality."  
7 On the ballot to be used for such municipal option election,  
8 the question shall be in the following form: "Do you favor the  
9 legal sale and distribution of alcoholic beverages within this  
10 municipality? Yes \_\_\_\_\_ No \_\_\_\_\_." Each subsequent municipal  
11 option election must follow the petition process as provided  
12 in this subsection with a new petition.

13 "(c) Said municipal option election shall be held  
14 and the officers appointed to hold same in the manner provided  
15 by law for holding other municipal elections and the returns  
16 thereof tabulated and the results certified as provided by law  
17 for such municipal elections. Said municipal option election  
18 shall be held at the time of the primary, general,  
19 county-wide, or municipal election next succeeding the date of  
20 the filing of said petition, provided, however, said election  
21 shall not be held within less than 30 days from the date of  
22 the filing of said petition. Notice of said municipal option  
23 election shall be given by the governing body of the  
24 municipality by publication at least three weeks before the  
25 date of election, in a newspaper in the municipality, or, if  
26 there be none, in a newspaper in the county, or, if there be  
27 neither, by posting such notice at the town or city hall,

1 apprising the voters of the municipality that a municipal  
2 option election shall be held to determine whether such  
3 municipality shall be wet or dry under this article. The cost  
4 of said municipal option election, including the cost of  
5 notice by publication, shall be paid out of the general fund  
6 of the municipality.

7 "(d) Only qualified voters shall vote in said  
8 municipal option election. If a majority of the voters in said  
9 municipal option election vote "yes," said municipality shall  
10 be wet, and alcoholic beverages can be legally sold,  
11 distributed and consumed within the corporate limits of said  
12 municipality, and all of the provisions of this title,  
13 relating to alcoholic beverages in wet counties, including  
14 Chapters 3, 3A, 6, and 7, shall be immediately put into  
15 operation with respect to and effective within the corporate  
16 limits of said municipality. Said municipality shall remain  
17 wet until said municipality shall be in subsequent municipal  
18 option election held under this article changed to a dry  
19 municipality, notwithstanding the results of any subsequent  
20 county election or special method referendum. All other laws  
21 to the contrary notwithstanding, the electors residing within  
22 the corporate limits of any such municipality that has become  
23 wet pursuant to a municipal option election held under this  
24 article shall not be entitled to vote in any subsequent county  
25 election or special method referendum held to determine if the  
26 county in which such municipality is located shall become wet.  
27 The question of whether such county shall become wet shall be

1 decided by the electors of such county residing outside the  
2 corporate limits of such wet municipality as otherwise  
3 provided by law.

4 "(e) If a majority of the voters voting in said  
5 municipal option election vote "no," said municipality shall  
6 be a dry municipality under the terms of this article until  
7 the county shall by subsequent election or special referendum,  
8 vote wet, or the municipality shall by a subsequent municipal  
9 option election held under this article, vote wet.

10 "(f) Said municipal option election in said  
11 municipality ~~may~~ shall be held at the time of any primary,  
12 general, county-wide, or municipal election as determined by  
13 the county commission or the municipal governing body, as  
14 applicable, provided a period of not less than ~~720~~ 1,440 days  
15 must elapse between the dates of such municipal option  
16 elections; provided further, that a county wet-dry election or  
17 special method referendum may be held at any time without  
18 regard to the lapse of time between the dates of any county  
19 option elections."

20 Section 2. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on County and Mu-  
nicipal Government..... . . . . 14-MAY-15

Read for the second time and placed  
on the calendar 1 amendment ..... . . . . 21-MAY-15

Read for the third time and passed  
as amended..... . . . . 28-MAY-15

Yeas 95, Nays 0, Abstains 2

Jeff Woodard  
Clerk