

Stricken language would be deleted from and underlined language would be added to present law.
Act 564 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/5/15
A Bill

SENATE BILL 373

By: Senator J. English

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING LOCAL OPTION ELECTIONS IN DEFUNCT VOTING DISTRICTS THAT RESULTED FROM INITIATED ACT 1 OF 1942; TO LIMIT PETITIONS TO SALES OF ALCOHOLIC BEVERAGES; TO SET THE PETITION SIGNATURE LEVEL AT FIFTEEN PERCENT OF QUALIFIED VOTERS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW REGARDING LOCAL OPTION ELECTIONS IN DEFUNCT VOTING DISTRICTS THAT RESULTED FROM INITIATED ACT 1 OF 1942; AND TO SET THE PETITION SIGNATURE LEVEL AT FIFTEEN PERCENT OF QUALIFIED VOTERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 3-8-602(a) and (b), concerning local option elections for alcohol in defunct voting districts, are amended to read as follows:

(a)(1) Under subsection (b) of this section, an area within the boundaries of a defunct voting district may conduct an election to permit the ~~manufacture and~~ sale of alcoholic beverages identified in subdivision (a)(2) of this section.

(2) The ~~manufacture and~~ sale of alcoholic beverages under this section shall be limited to+

~~(A) Beer and vinous beverages for off-premises~~



~~consumption; and~~

~~(B) Beer, beer, malt beverages, vinous beverages, and spirituous liquor for on-premises consumption within the corporate limits of a city of the first class or a city of the second class.~~

(b) An election for an area within the boundaries of a defunct voting district to permit the ~~manufacture and~~ sale of the alcoholic beverages identified in subdivision (a)(2) of this section shall be held as follows:

(1)(A) A registered voter who resides in a county that contains a defunct voting district may request in writing that the county board of election commissioners issue a resolution to identify the boundaries of a territorial subdivision located in a defunct voting district in which qualified voters may reside.

(B) The county board of election commissioners shall issue a resolution within thirty (30) days.

(C) The resolution shall identify the:

(i) Territorial subdivisions that are located wholly or partially within borders of any defunct voting districts in the county;

(ii) Formal and informal name or designation of any defunct voting districts in the county as of the last date the defunct voting district held the election resulting in its dry status;

(iii) Date on which any defunct voting district held the last local option election that resulted in the defunct voting district becoming dry; and

(iv)(a) Boundaries of any defunct voting district at the time of the last local option election that resulted in the defunct voting district becoming dry.

(b) The boundaries of the defunct voting district shall be based on state, county, or municipal records or other records publicly identified in the resolution.

(D) The resolution shall include a map of the boundaries of the defunct voting district from which qualified electors residing within the defunct voting district can be identified and verified for purposes of obtaining signatures and conducting the local option election.

(E) In preparing the resolution and the map, the county board of election commissioners may consult with the county clerk, the state board of election commissioners, the Secretary of State, or any other entity

able to provide assistance in confirming the data and preparing the map required by subdivision (b)(1)(D) of this section and the precise boundaries of the defunct voting district.

(F) The resolution shall be filed with the county clerk and published once a week for two weeks as soon as practicable in a newspaper of general circulation in the county;

(2)(A) The petition procedure for a local option election for a defunct voting district shall be conducted ~~pursuant to~~ under § 3-8-201 et seq. ~~and~~

~~(B) The signatures required under §§ 3-8-204 [repealed] and 3-8-205 for any defunct voting district~~ Signatures shall be obtained from fifteen percent (15%) of the qualified electors residing within the boundaries of a defunct voting district, as identified by the resolution and corresponding map~~;~~.

(C) When fifteen percent (15%) of the qualified voters have filed petitions with the county clerk under this subdivision (b)(2), the county clerk shall determine within ten (10) days the sufficiency of the petitions under § 3-8-205;

(3)(A)(i) The election process for a special local option election for a defunct voting district shall be conducted pursuant to § 3-8-201 et seq.

(ii) The county clerk shall issue a resolution calling for a special local option election for a defunct voting district for which the requisite number of signatures has been certified under subdivision (b)(2) of this section when:

(a) The requisite number of qualified electors sign petitions filed with the county clerk; and

(b) The county clerk certifies those signatures to the county board of election commissioners.

(iii) The resolution calling the special local option election shall be filed with the county clerk, and the county clerk shall immediately transmit the document to the county board of election commissioners.

(iv) The resolution calling the special local option election shall state:

(a) The date of the special election;

(b) The full text of the measure for which the election is called; and

(c) The ballot title for the measure for which the special local option election is called.

(v) The county board of election commissioners shall publish the resolution calling the special option election once a week for two (2) weeks as soon as practicable in a newspaper of general circulation in the county.

(B) The ballot title shall be in substantially the following form: "TO DETERMINE WHETHER OR NOT ALCOHOLIC BEVERAGES MAY BE SOLD ~~OR MANUFACTURED~~ AS AUTHORIZED BY ARKANSAS CODE § 3-8-602 WITHIN (popular name of the defunct voting district)".

(C) The ballot shall be in substantially the following form:

"[] FOR the Sale of Alcoholic Beverages, As Authorized by Arkansas Code § 3-8-602.

[] AGAINST the Sale of Alcoholic Beverages, As Authorized by Arkansas Code § 3-8-602."

(D) The special local option election shall be called on a Tuesday and shall not be held less than sixty (60) days following the date the resolution calling the special election is filed with the county clerk.

(E) The map of the defunct voting district created by the county board of election commissioners shall be placed at each polling site.

(F) A majority vote of the qualified electors residing within the boundaries of the defunct voting district shall determine whether or not alcoholic beverages may be sold or manufactured under subdivision (a)(2) of this section within the boundaries of the defunct voting district; and

(4) The precincts and polling sites to be utilized for conducting elections under this section shall be established by the county board of election commissioners.

SECTION 2. Arkansas Code § 3-8-602(e), concerning local option elections for alcohol in defunct voting districts, is amended to read as follows:

(e) If the majority of the qualified voters in the special local

option election vote:

(1) For the sale ~~or manufacture~~ of alcoholic beverages as described under subdivision (a)(2) of this section, then it shall be lawful for the Director of the Alcoholic Beverage Control Division to issue the relevant licenses or permits within the defunct voting district immediately after the certification of the results of an election permitting the sale or manufacture of alcoholic beverages under this section, as required by § 3-8-206; or

(2) Against the sale or manufacture of alcoholic beverages as described under subdivision (a)(2) of this section, then it shall be unlawful for the division to issue licenses or permits for such sale ~~or manufacture~~ within the defunct voting district.

/s/J. English

APPROVED: 03/20/2015