

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 1108

By: Representative Broadaway

## For An Act To Be Entitled

AN ACT TO ALLOW A REFERENDUM ELECTION BY ORDINANCE  
REGARDING SUNDAY SALES OF ALCOHOL IN A CITY, TOWN, OR  
COUNTY; AND FOR OTHER PURPOSES.

## Subtitle

TO ALLOW A REFERENDUM ELECTION BY  
ORDINANCE REGARDING SUNDAY SALES OF  
ALCOHOL IN A CITY, TOWN, OR COUNTY.

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

SECTION 1. Arkansas Code § 3-3-210(b), concerning sales of alcoholic beverages on Sunday or early weekday mornings, is amended to read as follows:

(b)(1)(A) As a further exception to the Sunday sales prohibition ~~set out~~ in subsection (a) of this section, ~~counties and cities~~ a county, city, or town in the state may refer to the voters at an election the issue of whether or not to authorize the sale of alcoholic beverages for off-premises consumption on Sundays between the hours of 10:00 a.m. and 12:00 midnight or within a lesser period within the hours as may be provided under a referendum election ~~conducted in accordance with the following~~ called in a:

(i) ~~A referendum election may be called in a city~~ City by a petition filed with the city clerk signed by fifteen percent (15%) of the qualified electors who cast a vote in the city for the ~~Office~~ office of Governor in the last general election in which the office appeared on the ballot; ~~or~~

(ii) ~~A referendum election may be called in a county~~



County by a petition filed with the county clerk signed by fifteen percent (15%) of the qualified electors who cast a vote in the county for the ~~Office~~ office of Governor in the last general election in which the office appeared on the ballot;

(iii) County by a quorum court ordinance; or

(iv) City or town by a city council ordinance.

(B)(i) If the requirements of subdivisions (b)(1)(A)(i) or (b)(1)(A)(ii) of this section are met, the referendum election shall be called by order of the quorum court or governing body of the city as provided under § 7-11-201 et seq., and the election shall be held and conducted under § 7-11-201 et seq.

(ii) The results of the election shall be certified under the supervision of the county board of election commissioners as provided by the election laws of this state.

(iii) The order of the quorum court or governing body of the city shall fix the date of the election not more than ninety (90) days from the date of the order and give notice by publication in a newspaper of general circulation in the city or county by at least two (2) insertions, the last being not less than ten (10) days before the election.

(iv) The county board shall tabulate the votes and certify the results to the county clerk or city clerk within ten (10) days after the election.

~~(B)(C)~~ (C) The Sunday sale of alcoholic beverages for off-premises consumption authorized in this subsection shall be limited to those businesses within the county, ~~or city, or town~~ that possess a current and valid license for the sale of alcoholic beverages issued by the Alcoholic Beverage Control Division.

(2)(A) The election under this subsection shall be conducted on a citywide or countywide basis.

(B) All qualified electors within the city or county, as the case may be, shall be eligible to vote even though they may reside in a dry area.

~~(C) The election under this subsection on the Sunday sales question shall be held in accordance with the procedures established for on-premises consumption elections by § 3-9-201 et seq., and the~~ The ballot for the election shall be printed substantially as follows:

“( ) FOR THE OFF-PREMISES SALE OF ALCOHOLIC BEVERAGES ON SUNDAY IN (NAME OF CITY OR COUNTY), ARKANSAS, AS AUTHORIZED BY LAW.

( ) AGAINST THE OFF-PREMISES SALE OF ALCOHOLIC BEVERAGES ON SUNDAY IN (NAME OF CITY OR COUNTY), ARKANSAS, AS AUTHORIZED BY LAW.”.

(3)(A) The vote of the majority of the electors in a citywide election approving Sunday sales shall authorize the sales in all permitted outlets located within the incorporated areas of the city only.

(B) The vote of the majority of the electors in a countywide election approving Sunday sales shall authorize the sales of alcoholic beverages for off-premises consumption in all permitted outlets located anywhere within the county.

(C)(i) The results of the election may be contested within the time and in the manner provided by law.

(ii) Matters concerning the sufficiency of the petitions and the conduct of the election not specifically provided for under this section shall be determined in accordance with the initiative and referendum laws of this state applicable to cities and counties, respectively.

(iii) If a majority of those voting in a referendum election under this subchapter vote against Sunday sales of alcoholic beverages for off-premises consumption, an election shall not be held again on the issue in the same voting district for a period of one (1) year. However, an adverse vote in a countywide election shall not prohibit the calling of an election in a city in the county, nor shall an adverse vote in a city election prohibit the calling of an election in the county.

(iv) Successive referendum elections may be held in the same county, city, or town to reverse the result of a previous election. However, there shall be a period of not less than one (1) year between each election.

(v) After a referendum election has initially been held, subsequent elections in the same city or county shall be held at the regular biennial general election.

(4) The vote of the majority of the electors against the off-premises sale of alcoholic beverages on Sunday has no effect on sales of mixed drinks in hotels and restaurants as authorized by § 3-9-215 or § 3-9-216 or any other on-premises consumption permitted outlet.