

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 265

By: Senator T. Garner
By: Representative Capp

For An Act To Be Entitled

AN ACT TO AMEND THE LAW RESULTING FROM INITIATED ACT 1 OF 1942 REGARDING LOCAL OPTION ELECTIONS; TO AUTHORIZE TERRITORIAL DIVISIONS MEETING CERTAIN REQUIREMENTS TO AUTHORIZE THE SALE OF ALCOHOLIC BEVERAGES WITHIN A DRY COUNTY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW RESULTING FROM INITIATED ACT 1 OF 1942 REGARDING LOCAL OPTION ELECTIONS; AND TO AUTHORIZE TERRITORIAL DIVISIONS MEETING CERTAIN REQUIREMENTS TO AUTHORIZE THE SALE OF ALCOHOLIC BEVERAGES WITHIN A DRY COUNTY.

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

SECTION 1. Arkansas Code § 3-8-305 is amended to read as follows:

3-8-305. Elections for entire county, district, or city – Effect.

(a)(1) ~~No~~ An election in ~~any~~ a town, city, district, or precinct of a county shall not be held under this subchapter on the same day on which an election for the entire county is held.

(2)(A) ~~When~~ Except as provided in subdivision (a)(2)(B) of this section, when an election is held in an entire county and a majority of the legal votes cast at the election ~~are~~ is against the sale, barter, or loan of spirituous, vinous, malt, or other intoxicating liquors, then it shall not be



lawful to sell, barter, or loan any liquors in ~~any portion of~~ the county.

(B) A subsequent election by a town, city, district, or precinct of a county regarding the sale, barter, or loan of spirituous, vinous, malt, or other intoxicating liquors is allowed if:

(i) The town, city, district, or precinct of the county is within a county with more than one (1) county district;

(ii) The town, city, district, or precinct of the county is directly adjacent to the other intracounty district; and

(iii) The sale, barter, or loan of spirituous, vinous, malt, or other intoxicating liquors is already lawful within the other intracounty district.

(3) If, at an election for the entire county, the majority of the legal votes cast ~~are~~ is in favor of the sale, barter, or loan of any liquors, the election shall not ~~operate to~~ make it legal to grant license to sell, barter, or loan ~~such the~~ liquors in ~~any a~~ territorial division of the county from which the sale, barter, or loan has been excluded by an election held under this subchapter, but the status of the territorial division shall remain as if no election had been held.

(b)(1) ~~No~~ An election shall not be held in ~~any an~~ election precinct under this act on the same day on which an election is held for the district or city of which the precinct is a part.

(2) If, at an election held for the entire district or city, the majority of legal votes cast ~~shall be~~ is in favor of the sale, barter, or loan of spirituous, vinous, malt, or other liquors, then the status in the ~~several~~ precincts ~~thereof~~ shall remain as it was before the election.

(3) If the majority ~~should be~~ is against the sale, then the sale, barter, or loan of such liquors ~~shall be~~ is unlawful in every portion of the district or city, except in an area in which the sale, barter, or loan of spirituous, vinous, malt, or other intoxicating liquors has been authorized under subdivision (a)(2)(B) of this section.