

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Senator T. Garner
6 By: Representative Capp
7

A Bill

SENATE BILL 265

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW RESULTING FROM INITIATED ACT
10 1 OF 1942 REGARDING LOCAL OPTION ELECTIONS; TO
11 AUTHORIZE TERRITORIAL DIVISIONS MEETING CERTAIN
12 REQUIREMENTS TO AUTHORIZE THE SALE OF ALCOHOLIC
13 BEVERAGES WITHIN A DRY COUNTY; AND FOR OTHER
14 PURPOSES.

Subtitle

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

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

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

29 3-8-305. Elections for entire county, district, or city – Effect.

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

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



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

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

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

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

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

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

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

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

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

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