

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1165

5 By: Representatives Johnson, Brown
6 By: Senator J. English
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW REGARDING LOCAL OPTION
10 ELECTIONS IN DEFUNCT VOTING DISTRICTS THAT RESULTED
11 FROM INITIATED MEASURE 1 OF 1942; TO AUTHORIZE
12 ELECTIONS REGARDING ON-PREMISES CONSUMPTION THROUGH
13 BOTH PETITION AND CITY ORDINANCE; AND FOR OTHER
14 PURPOSES.

Subtitle

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18 TO AMEND THE LAW FOR LOCAL OPTION
19 ELECTIONS IN DEFUNCT VOTING DISTRICTS
20 THAT RESULTED FROM INITIATED MEASURE 1 OF
21 1942.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 3-8-602 is amended to read as follows:

27 3-8-602. Local option election – Defunct voting district – On-premises
28 consumption only.

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

32 (2) The sale of alcoholic beverages under this section shall be
33 limited to beer, malt beverages, vinous beverages, and spirituous liquor for
34 on-premises consumption within the corporate limits of a city of the first
35 class or a city of the second class.

36 (b) An election for an area within the boundaries of a defunct voting



1 district to permit the sale of the alcoholic beverages identified in
2 subdivision (a)(2) of this section shall be held as follows:

3 (1)(A) A registered voter who resides in a county that contains
4 a defunct voting district may request in writing or a city council of a city
5 of the first class that includes a defunct voting district may request by
6 ordinance that the county board of election commissioners issue a resolution
7 to identify the boundaries of a territorial subdivision located in a defunct
8 voting district in which qualified voters may reside.

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

11 (C) The resolution shall identify the:

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

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

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

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

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

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

30 (E) In preparing the resolution and the map, the county
31 board of election commissioners may consult with the county clerk, the state
32 board of election commissioners, the Secretary of State, or any other entity
33 able to provide assistance in confirming the data and preparing the map
34 required by subdivision (b)(1)(D) of this section and the precise boundaries
35 of the defunct voting district.

36 (F) The resolution shall be filed with the county clerk

1 and published one (1) time a week for two (2) weeks as soon as practicable in
 2 a newspaper of general circulation in the county;

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

5 (ii) The city council of a city of the first class
 6 that includes a defunct voting district may adopt an ordinance to hold a
 7 local option election to be conducted under § 3-8-201 et seq.

8 (B) Signatures shall be obtained from fifteen percent
 9 (15%) of the qualified electors residing within the boundaries of a defunct
 10 voting district, as identified by the resolution and corresponding map.

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

15 (3)(A)(i) The election process for a special local option
 16 election for a defunct voting district shall be conducted pursuant to § 3-8-
 17 201 et seq.

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

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

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

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

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

32 (a) The date of the special election;

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

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

1 (v) The county board of election commissioners shall
 2 publish the resolution calling the special option election one (1) time a
 3 week for two (2) weeks as soon as practicable in a newspaper of general
 4 circulation in the county.

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

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

11 "[] FOR the Sale of Alcoholic Beverages, As Authorized by Arkansas Code § 3-
 12 8-602.

13 [] AGAINST the Sale of Alcoholic Beverages, As Authorized by Arkansas Code §
 14 3-8-602."

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

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

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

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

28 (c) If a defunct voting district is located entirely within the
 29 boundaries of a larger defunct voting district, a vote shall be held only for
 30 the larger defunct voting district.

31 (d)(1) If two (2) defunct voting districts overlap, then the
 32 overlapping area will only be included in the boundaries of the defunct
 33 voting district that first held the local option election that resulted in
 34 its dry status to determine whether or not alcoholic beverages may be sold or
 35 manufactured under subdivision (a)(2) of this section.

36 (2)(A) The local option elections for more than one (1) defunct

1 voting district may be held simultaneously or on different dates.

2 (B) If local option elections for more than one (1)
3 defunct voting district are held on the same date, the majority vote of all
4 the voters residing within the boundaries of the defunct voting district
5 shall determine the local option status of only the geographic area located
6 within the boundaries of that particular defunct voting district.

7 (e) If the majority of the qualified voters in the special local
8 option election vote:

9 (1) For the sale of alcoholic beverages as described under
10 subdivision (a)(2) of this section, then it shall be lawful for the Director
11 of the Alcoholic Beverage Control Division to issue the relevant licenses or
12 permits within the defunct voting district immediately after the
13 certification of the results of an election permitting the sale or
14 manufacture of alcoholic beverages under this section, as required by § 3-8-
15 206; or

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

20 (f) A subsequent election under this section shall not be held in the
21 same defunct voting district until a period of two (2) years has elapsed
22 since the last special local option election conducted under this section.

23 (g) The cost of a local option election under this section shall be
24 paid by the county in the same manner as the cost of a general election, or
25 in any other manner as properly determined by the quorum court.

26 (h)(1) The boundaries of a defunct voting district as identified by
27 the county board of election commissioners under subdivision (b)(1) of this
28 section shall be deemed final and valid unless clearly erroneous or
29 arbitrary.

30 (2) Any challenge to or appeal of the boundaries established by
31 the resolution of the county board of election commissioners shall be made to
32 the county court within eleven (11) days of the first publication of the
33 resolution described in subdivision (b)(1)(F) of this section.

34 (i) To the extent any of the provisions of this section conflict with
35 § 3-8-201 et seq., the provisions of this section control.

36 **APPROVED: 02/07/2017**