

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/5/15

A Bill

SENATE BILL 373

5 By: Senator J. English
6

For An Act To Be Entitled

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

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16 TO AMEND THE LAW REGARDING LOCAL OPTION
17 ELECTIONS IN DEFUNCT VOTING DISTRICTS
18 THAT RESULTED FROM INITIATED ACT 1 OF
19 1942; AND TO SET THE PETITION SIGNATURE
20 LEVEL AT FIFTEEN PERCENT OF QUALIFIED
21 VOTERS.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 3-8-602(a) and (b), concerning local option
28 elections for alcohol in defunct voting districts, are amended to read as
29 follows:

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

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

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



1 ~~consumption; and~~

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

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

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

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

15 (C) The resolution shall identify the:

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

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

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

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

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

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

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

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

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

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

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

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

19 (3)(A)(i) The election process for a special local option
20 election for a defunct voting district shall be conducted pursuant to § 3-8-
21 201 et seq.

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

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

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

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

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

36 (a) The date of the special election;

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

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

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

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

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

15 "[] FOR the Sale of Alcoholic Beverages, As Authorized by Arkansas Code §
16 3-8-602.

17 [] AGAINST the Sale of Alcoholic Beverages, As Authorized by Arkansas Code
18 § 3-8-602."

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

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

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

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

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

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

1 option election vote:

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

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

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14 /s/J. English
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