

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1148

5 By: Representatives Cavanaugh, M. Gray, Hillman, Maddox, Richmond, Watson  
6 By: Senator Irvin  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW REGARDING LOCAL OPTION  
10 ELECTIONS; TO AMEND THE REQUIREMENTS FOR CALLING A  
11 LOCAL OPTION ELECTION IN A COUNTY; TO AUTHORIZE A  
12 TERRITORIAL SUBDIVISION TO CONDUCT A LOCAL OPTION  
13 ELECTION FOR THE MANUFACTURE AND SALE OF ALCOHOLIC  
14 BEVERAGES; TO AMEND PORTIONS OF THE LAW RESULTING  
15 FROM INITIATED ACT 1 OF 1942; AND FOR OTHER PURPOSES.  
16

## Subtitle

17  
18 TO AMEND THE LAW REGARDING CALLING A  
19 LOCAL OPTION ELECTION IN A COUNTY; TO  
20 AUTHORIZE A TERRITORIAL SUBDIVISION TO  
21 CONDUCT A LOCAL OPTION ELECTION; AND TO  
22 AMEND PORTIONS OF THE LAW RESULTING FROM  
23 INITIATED ACT 1 OF 1942.  
24  
25  
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
28

29 SECTION 1. Arkansas Code § 3-8-102 is amended to read as follows:

30 3-8-102. Effect of dry vote – Retail dealers – ~~Definition.~~

31 (a) ~~Retail dealers~~ A retail dealer that held a valid license at the  
32 time of the local option election in alcoholic beverages shall be allowed a  
33 period of sixty (60) days in which to dispose of stock after may retain the  
34 license even if a majority of the electors voting at the final determination  
35 of the results of local option election held by which the political  
36 territorial subdivision in which the dealer is located ~~shall have voted~~



1 against the manufacture and sale of alcoholic beverages and may operate under  
 2 the license in the same manner as before the local option election.

3 ~~(b) During the sixty day period defined in subsection (a) of this~~  
 4 ~~section, the retailer may not purchase any alcoholic beverages, but must~~  
 5 ~~restrict his or her business to the sale of those items on hand as of the~~  
 6 ~~date the election results are finally determined. A retail dealer retaining~~  
 7 a license under subsection (a) of this section shall not transfer or sell the  
 8 license or transfer the license to another premises.

9 ~~(c) As used in this section, "final determination" means the date of~~  
 10 ~~certification of the results of an uncontested election or, if contested, the~~  
 11 ~~date of the issuance of the mandate by the court finally determining an~~  
 12 ~~election contest.~~

13  
 14 SECTION 2. Arkansas Code Title 3, Chapter 8, Subchapter 1, is amended  
 15 to add an additional section to read as follows:

16 3-8-104. Definitions.

17 As used in this chapter:

18 (1) "Governing body" means a city council or quorum court; and

19 (2) "Territorial subdivision" means a city, township,  
 20 municipality, ward, or precinct of a county of the state.

21  
 22 SECTION 3. Arkansas Code § 3-8-202, resulting from Initiated Act 1 of  
 23 1942, is amended to read as follows:

24 3-8-202. Sections 3-8-201 – 3-8-203, 3-8-205 – 3-8-209 cumulative –  
 25 Construction.

26 It is expressly declared that §§ 3-8-201 – 3-8-203 and 3-8-205 – 3-8-  
 27 209 shall be cumulative to the liquor laws now in force in this state. These  
 28 sections shall at all times be construed so as to permit, upon petition of  
 29 fifteen percent (15%) of the qualified electors in any area to be affected or  
 30 by a majority vote of the governing body of the county or territorial  
 31 subdivision, the qualified voters therein at one (1) election to determine  
 32 whether or not all alcoholic beverages, including all kinds and types of  
 33 whiskey, beer, and wine, shall be manufactured or sold, bartered, loaned, or  
 34 given away therein.

35  
 36 SECTION 4. Arkansas Code § 3-8-205, resulting from Initiated Act 1 of

1 1942, is amended to read as follows:

2 3-8-205. Determination of sufficiency of petition – Certification –  
3 Calling of election – Contest.

4 (a)(1) ~~If the petition is determined to be sufficient under § 3-8-801~~  
5 ~~et seq., the county clerk shall certify that finding to the county board of~~  
6 ~~election commissioners, and the question shall be placed on the ballot in the~~  
7 ~~county, township, municipality, ward, or precinct at the next biennial~~  
8 ~~general election as provided in § 3-8-101. If the petition is determined to~~  
9 ~~be sufficient under § 3-8-801 et seq., or if the governing body of the county~~  
10 ~~or territorial subdivision adopts, by a majority vote of its members, an~~  
11 ~~ordinance or resolution requesting a local option election shall be submitted~~  
12 ~~to the county clerk.~~

13 (2) The county clerk shall certify that finding to the county  
14 board of election commissioners, and the question shall be placed on the  
15 ballot in the county or territorial subdivision at the next biennial general  
16 election as provided in § 3-8-101.

17 (b)(1) If an appeal is taken from the certification of the petition of  
18 the county clerk, it shall be taken within ten (10) days and shall be  
19 considered by the circuit court within ten (10) days, or as soon as  
20 practicable, after the appeal is lodged with the court.

21 (2) The circuit court shall render its decision within thirty  
22 (30) days thereafter.

23 (c) If an appeal is taken, the election shall be ~~had~~ held no sooner  
24 than sixty-five (65) days after the appeal is determined, if the decision is  
25 in favor of the petitioners.

26 (d)(1)(A) The decision shall be certified immediately to the county  
27 board of election commissioners, and the day for the election shall be fixed  
28 by the county board of election commissioners for not earlier than sixty-five  
29 (65) days nor later than ninety (90) days after the certification of the  
30 decision of the circuit court.

31 (B) Any appeal from the final decision of the circuit  
32 court shall be taken within ten (10) days and shall be advanced and  
33 immediately determined by the Supreme Court.

34 (2) In that event, the county board of election commissioners  
35 may, in its discretion, delay the election until after the final decision of  
36 the Supreme Court.

1 (3) If the decision is in favor of the petitioners, then the  
 2 county board of election commissioners shall set the day for the election,  
 3 which shall be not earlier than sixty-five (65) days nor later than ninety  
 4 (90) days after the final decision of the Supreme Court.

5 (e) ~~Except as provided in this section, a petition for local option~~  
 6 ~~election shall be governed by § 7-9-101 et seq. and the Disclosure Act for~~  
 7 ~~Initiative Proceedings, § 3-8-701 et seq.~~ An election held under the  
 8 governing body's ordinance under subsection (a) of this section may be  
 9 contested as provided for in § 3-8-309.

10 (f) Except as provided in this section, a petition for local option  
 11 election shall be governed by § 7-9-101 et seq. and the Disclosure Act for  
 12 Initiative Proceedings, § 3-8-701 et seq.

13  
 14 SECTION 5. Arkansas Code § 3-8-208, resulting from Initiated Act 1 of  
 15 1942, is amended to read as follows:

16 3-8-208. Election results – Effects.

17 (a) If the majority of the electors voting on the issue at the  
 18 election vote for the manufacture or sale of intoxicating liquors, then it  
 19 ~~shall be~~ is lawful for the Director of the Alcoholic Beverage Control  
 20 Division to continue to issue licenses or permits for such manufacture or  
 21 sale within the designated territory as if no election had been held.

22 (b) If a majority of the electors voting at the election vote against  
 23 the manufacture or sale of intoxicating liquors, then it ~~shall be~~ is unlawful  
 24 for the director or any county or municipal official to issue ~~any a~~ a license  
 25 or permit for the manufacture, sale, barter, loan, or giving away of any  
 26 intoxicating liquor as defined in this subchapter ~~unless and until the~~  
 27 prohibition ~~shall be~~ is repealed by a majority vote ~~as provided for in under~~  
 28 §§ 3-8-201 – 3-8-203, and 3-8-205 – 3-8-209, and 3-8-603.

29 (c) In either case, a period of at least four (4) years shall elapse  
 30 before another election on the same subject may be held in the territory  
 31 affected.

32 (d) If a majority of electors voting on the issue at ~~any such an~~ an  
 33 election vote against the manufacture or sale of intoxicating liquors, ~~any a~~ a  
 34 license or permit ~~which that~~ that has already been issued, authorizing the  
 35 manufacturing or sale or the bartering, loaning, or giving away of  
 36 intoxicating liquor within the territory affected remains valid ~~shall be~~

1 ~~immediately cancelled, and the unearned part of the license or permit fee~~  
 2 ~~shall be returned. It shall then be unlawful for any person, firm, or~~  
 3 ~~corporation to manufacture, sell, barter, loan, or give away any intoxicating~~  
 4 ~~liquor within the territory covered by the petition.~~

5 (e)(1) A territorial subdivision may hold an election under § 3-8-603  
 6 for the manufacture or sale of intoxicating liquor within the territorial  
 7 subdivision even if an election for an entire county is not held under this  
 8 section for an entire county.

9 (2) If an election for an entire county is held, if the majority  
 10 of electors voting at the election held for the territorial subdivision vote  
 11 differently from the majority of electors voting at the election held for the  
 12 county, the results of the election held for the territorial subdivision  
 13 override the results of the election held for the county for the manufacture  
 14 or sale of intoxicating liquor in the territorial subdivision.

15  
 16 SECTION 6. Arkansas Code § 3-8-209(a) and (b), concerning the penalty  
 17 for selling or furnishing a place for sale in a dry territory and resulting  
 18 from Initiated Act 1 of 1942, are amended to read as follows:

19 (a) Except as provided in § 3-5-1901 et seq., ~~it is unlawful for a~~  
 20 ~~person, firm, or corporation to~~ shall not manufacture, sell, barter, loan, or  
 21 give away intoxicating liquor in a county, ~~township, municipality, ward, or~~  
 22 ~~precinct~~ or territorial subdivision in which the manufacture or sale of  
 23 intoxicating liquor is prohibited under ~~Initiated Act No. 1 of 1942, §§ 3-8-~~  
 24 ~~201 - 3-8-203, and 3-8-205 - 3-8-209, and 3-8-603.~~

25 (b)(1) Upon a first conviction, ~~any a~~ a person or officers officer of  
 26 ~~any a~~ a firm or corporation that shall manufacture, sell, barter, loan, or give  
 27 ~~away any~~ manufactures, sells, barters, loans, or gives away an intoxicating  
 28 liquor in ~~any a~~ a territory which that has been made is dry under the  
 29 ~~provisions of~~ this subchapter ~~shall be~~ is guilty of a violation and shall be  
 30 fined not less than one hundred dollars (\$100) nor more than one thousand  
 31 dollars (\$1,000).

32 (2) For a second conviction, ~~he or she shall be~~ a person or  
 33 officer of a firm or corporation is guilty of a violation and shall be fined  
 34 not less than two hundred dollars (\$200) nor more than two thousand dollars  
 35 (\$2,000), ~~and for any subsequent conviction shall be guilty of a Class D~~  
 36 ~~felony.~~

1           (3) For each subsequent conviction, a person or officer of a  
 2 firm or corporation is guilty of a Class D felony.

3  
 4           SECTION 7. Arkansas Code § 3-8-210 is amended to read as follows:

5           3-8-210. Authority to continue to issue sale permits.

6           The Alcoholic Beverage Control Division ~~shall have~~ has the authority to  
 7 continue to issue permits for the manufacture or sale of beer and of vinous,  
 8 spirituous, and malt liquors in ~~any a~~ a political subdivision of the State of  
 9 Arkansas of the same kind and type issued prior to July 4, 1996, provided  
 10 that the electorate of ~~such the~~ the political subdivision has not since July 4,  
 11 1996, held an election under ~~the provisions of Initiated Act No. 1 of 1942,~~  
 12 §§ 3-8-201 – 3-8-203, and 3-8-205 – 3-8-209, and 3-8-603.

13  
 14           SECTION 8. Arkansas Code § 3-8-305 is amended to read as follows:

15           3-8-305. Elections for entire county, ~~district,~~ or ~~city~~ territorial  
 16 subdivision – Effect.

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

20           ~~(2)(b)~~ When an election is held in an entire county and a  
 21 majority of the legal votes cast at the election are against the manufacture,  
 22 sale, barter, or loan of spirituous, vinous, malt, or other intoxicating  
 23 liquors, then it shall not be lawful to manufacture, sell, barter, or loan  
 24 any liquors in ~~any a~~ a portion of the county unless the territorial subdivision  
 25 has held an election under § 3-8-603 and has voted for the sale and  
 26 manufacture of intoxicating liquors.

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

35           ~~(b)(1) No election shall be held in any election precinct under this~~  
 36 ~~act on the same day on which an election is held for the district or city of~~

1 ~~which the precinct is a part.~~

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

6 ~~(3) If the majority should be against the sale, then the sale,~~  
 7 ~~barter, or loan of such liquors shall be unlawful in every portion of the~~  
 8 ~~district or city.~~

9  
 10 SECTION 9. Arkansas Code § 3-8-307 is amended to read as follows:

11 3-8-307. Effect of vote against sale.

12 If, at ~~any~~ an election provided for in this act, a majority of the  
 13 legal votes cast are against the manufacture, sale, barter, or loan of  
 14 spirituous, vinous, or malt liquors, then the manufacture, sale, barter, or  
 15 loan of any such liquors ~~shall be~~ is unlawful in ~~such~~ the county, ~~city, town,~~  
 16 ~~district, or precinct, or territorial subdivision as the case may be,~~ except  
 17 as provided, unless a majority of voters vote for the manufacture or sale of  
 18 intoxicating liquors at a subsequent election ~~held under this act, a majority~~  
 19 ~~of the legal votes cast shall be in favor of the sale of the liquors.~~

20  
 21 SECTION 10. Arkansas Code § 3-8-309 is amended to read as follows:

22 3-8-309. Contests of elections.

23 (a) ~~Any~~ An election held under this act may be contested as provided  
 24 for in this section.

25 (b)(1) Any number of the citizens and legal voters, but not less than  
 26 ten (10), of the county, ~~city, town, district, or precinct~~ or territorial  
 27 subdivision in which the elections have been held, shall have the right to  
 28 contest ~~any~~ an election held under this act and shall be designated the  
 29 contestants.

30 (2)(A) The contestants shall file, within ten (10) days after  
 31 the final action of the examining board, in the office of the clerk of the  
 32 county court a written statement of the grounds of the contest.

33 (B) ~~They~~ The contestants shall ~~cause~~ serve a copy of the  
 34 statement ~~to be served~~ on the county judge and shall ~~give notice thereof by~~  
 35 post written or printed notice ~~to be posted~~ at the courthouse door of the  
 36 county, and in three (3) or more public places in the county, ~~city, town,~~

1 ~~district, or precinct~~ or territorial subdivision in which the election has  
2 been ~~was~~ held.

3 ~~(C) They shall cause the~~ The contestants shall publish  
4 notice ~~to be published in some~~ in a newspaper of the county, when possible,  
5 for two (2) consecutive issues, commencing not later than the first issue of  
6 the paper after filing the statement.

7 (3) When a notice of the contest ~~shall be~~ is executed on the  
8 county judge, the certificate under § 3-8-306 shall not be recorded.

9 (c) Any number of the citizens and legal voters, not less than ten  
10 (10), of the county, ~~city, town, district, or precinct~~ or territorial  
11 subdivision in which the election has been held, may resist the contest by  
12 filing in the office of the clerk of the county court a statement  
13 controverting the grounds of the contestants and may state any additional  
14 grounds to sustain the election, and they shall be designated as the  
15 contestees.

16 (d)(1) The contest shall be heard and determined by the same board  
17 ~~which, by law, that~~ is authorized ~~and empowered by law~~ by law to hear and determine  
18 a contest of an election for county officers.

19 (2) The same ~~provisions of the statutes shall~~ apply to the  
20 contest of any election held under this act as are provided for the contest  
21 of ~~any~~ an election for county officers, except as provided in this section.

22 (e) Notice ~~for the taking~~ of depositions or other proceedings in the  
23 contest may be executed on the person whose name appears first as contestant  
24 or contestee, which shall be deemed notice to all his or her associates.

25 (f) In case the required number shall fail to appear as contestees, ex  
26 parte testimony ~~shall be~~ is competent before the contesting board.

27 (g)(1) The trial of the case shall be on the fourth Monday after the  
28 filing in the county clerk's office of the grounds of the contest, ~~however,~~  
29 ~~the board, for good cause, may allow further time.~~

30 (2) A continuance of the trial date may be granted one (1) time  
31 at the request of either party for good cause shown.

32 (h) The decision of the board shall be:

33 (1) given Given in writing and signed in triplicate, ~~with~~ One  
34 one (1) copy ~~shall be~~ delivered to the contestants, ~~and~~ one (1) copy  
35 delivered to the contestees, and one (1) copy delivered ~~the other shall be~~  
36 ~~delivered~~ to the county clerk of the county in which the contest is pending,



1 ~~which; and shall be entered~~

2 (2) Entered on the record of the county court.

3 (i) If the decision of the board is that a majority of the legal votes  
4 cast at the election were against the manufacture or sale of such liquors,  
5 the entry of the decision shall have the same effect as the recording of the  
6 certificates of the examining board ~~as provided~~ in § 3-8-306.

7 (j) The contestants or contestees ~~shall~~ have the right to appeal ~~from~~  
8 the decision of the board to the circuit court of the county ~~where~~ in which  
9 the contest is pending, in the same way as appeals are taken from the lower  
10 courts to the circuit court, and the right to appeal the circuit court's  
11 decision as provided by law. ~~An appeal from the circuit court may be taken as~~  
12 ~~provided by law.~~

13 (k) The cost of the contest shall be adjudged against the unsuccessful  
14 parties.

15  
16 SECTION 11. Arkansas Code § 3-8-310(a), concerning the effect of  
17 voting against the sale of liquor at a local option election, is amended to  
18 read as follows:

19 (a)(1) Whenever a local option election ~~shall be~~ is held in ~~any a~~  
20 ~~county, city, town, district, or precinct~~ or territorial subdivision of the  
21 ~~in this~~ state and a majority of the votes cast at the election ~~shall be~~ are  
22 ~~in favor of prohibiting~~ against the manufacture or sale of liquor in the  
23 territory in which the election ~~shall have been~~ is held, the law prohibiting  
24 the sale ~~shall be in full force and effect~~ is effective at the expiration of  
25 sixty (60) days from the date of the entry of the certificate of the  
26 canvassing board in the record of the county court.

27 (2)(A) ~~After the expiration of sixty (60) days, no liquor~~  
28 ~~license theretofore issued in the territory under the laws of this state~~  
29 ~~shall be of any force or effect whatever, but the owner of the license shall~~  
30 ~~be entitled to recover from the county, city, town, district, or precinct to~~  
31 ~~which the license money was paid, the proportional part thereof as the~~  
32 ~~unexpired period of license bears to the whole of the year.~~ A license holder  
33 that held a valid license at the time of the local option election may retain  
34 the license and may operate under the license in the same manner as before  
35 the local option election was held.

36 (B) A license holder retaining a license under subdivision

1 (a)(2)(A) of this section shall not transfer or sell the license or transfer  
 2 the license to another premises.

3  
 4 SECTION 12. Arkansas Code § 3-8-310(b)(1), concerning the penalty for  
 5 selling, bartering, or loaning liquors following a local option election, is  
 6 amended to read as follows:

7 (b)(1) Upon conviction, ~~any a person who that shall sell, barter, or~~  
 8 ~~loan directly or indirectly any manufactures, sells, barthers, or loans~~ such  
 9 liquors in the ~~city, county, town, district, or precinct~~ or territorial  
 10 subdivision after sixty (60) days ~~shall be~~ is guilty of a Class C  
 11 misdemeanor.

12  
 13 SECTION 13. Arkansas Code § 3-8-502(a), concerning the qualifications  
 14 for local option elections in certain annexed areas, is amended to read as  
 15 follows:

16 (a)(1)(A) If an area meets the qualifications provided in subdivision  
 17 (a)(1)(B) of this section, the residents of the area may petition the county  
 18 clerk of the county for or the governing body may request, by a majority vote  
 19 of its members, a local option election to determine whether off-premises  
 20 retail beer permits and off-premises Arkansas native wine retail permits  
 21 shall be issued within the annexed area.

22 (B) An area qualifies to hold a local option election  
 23 under this subchapter if:

24 (i) The area has been annexed from a dry township  
 25 into a wet contiguous and adjoining city or incorporated town;

26 (ii) The annexed area is separated from the  
 27 remainder of the dry township by a four-lane divided highway; and

28 (iii) A nonbinding election was held between  
 29 November 1, 2004, and January 1, 2005, in the annexed area on the issue of  
 30 whether intoxicating liquors may be manufactured, sold, bartered, loaned, or  
 31 given away within the annexed area.

32 (2) ~~The petition requesting~~ A request for a local option  
 33 election shall be prepared in the manner provided by § 3-8-205.

34 (3)(A) When ~~thirty-eight percent (38%)~~ fifteen percent (15%) of  
 35 the qualified electors of the annexed area, as shown on county voter  
 36 registration records, sign a petition requesting a local option election or

1 the governing body of the annexed area approves, by majority vote, an  
2 ordinance or resolution requesting a local option election, the county clerk  
3 shall determine the sufficiency of the petition or certify the governing  
4 body's ordinance or resolution requesting the local option election within  
5 ten (10) days of the filing of the petition or request by ordinance or  
6 resolution.

7 (B) If the county clerk verifies that ~~thirty-eight percent~~  
8 ~~(38%)~~ fifteen percent (15%) of the qualified electors of the annexed area  
9 have signed the petition or has certified the governing body's ordinance or  
10 resolution, the county clerk shall certify that finding to the county board  
11 of election commissioners.

12 (C) The question shall be placed upon the ballot in the  
13 annexed area at the next biennial November general election, as provided in §  
14 3-8-101.

15 (D) Any appeal of the order of the county court shall be  
16 taken in the manner provided by § 3-8-205~~(e)-(e)~~ (c)-(f).

17 (4)(A) The election shall be conducted in the manner provided by  
18 § 3-8-206(a) and (b).

19 (B) Upon petition of fifteen percent (15%) of the  
20 interested legal voters in the annexed area, within ten (10) days after the  
21 date of the election, the county board of election commissioners shall  
22 immediately recount the votes and declare the result of the election as  
23 determined by the recount.

24 (C) Within twenty (20) days after the election, the county  
25 court shall make and enter of record its order declaring the result of the  
26 election.

27 (D) The costs of any elections held under this subchapter  
28 shall be paid by the county in the same manner as other costs of general  
29 elections.

30 (5) Upon petition of fifteen percent (15%) of the interested  
31 legal voters in the annexed area filed with the circuit clerk of the county  
32 in which proceedings are pending, the circuit court shall immediately by  
33 mandamus compel the county court or other officials to perform the duties  
34 imposed upon them under this section.

35  
36 SECTION 14. Arkansas Code § 3-8-602(b), concerning a request for a

1 local option election in a defunct voting district, is amended to read as  
2 follows:

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

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

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

14 (C) The resolution shall identify the:

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

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

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

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

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

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

33 (E) In preparing the resolution and the map, the county  
34 board of election commissioners may consult with the county clerk, the State  
35 Board of Election Commissioners, the Secretary of State, or any other entity  
36 able to provide assistance in confirming the data and preparing the map

1 required by subdivision (b)(1)(D) of this section and the precise boundaries  
2 of the defunct voting district.

3 (F) The resolution shall be filed with the county clerk  
4 and published one (1) time a week for two (2) weeks as soon as practicable in  
5 a newspaper of general circulation in the county;

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

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

11 (B) Signatures shall be obtained from fifteen percent  
12 (15%) of the qualified electors residing within the boundaries of a defunct  
13 voting district, as identified by the resolution and corresponding map.

14 (C) When fifteen percent (15%) of the qualified voters  
15 have filed petitions or when the governing body of the defunct voting  
16 district requesting a local option election files an ordinance or resolution  
17 requesting a local option election with the county clerk ~~under this~~  
18 ~~subdivision (b)(2)~~, the county clerk shall determine within ten (10) days the  
19 sufficiency of the petitions or certify the ordinance or resolution under §  
20 3-8-205;

21 (3)(A)(i) The election process for a special local option  
22 election for a defunct voting district shall be conducted pursuant to § 3-8-  
23 201 et seq.

24 (ii) The county clerk shall issue a resolution  
25 calling for a special local option election for a defunct voting district for  
26 which the requisite number of signatures or the ordinance or resolution of  
27 the governing body when the petition, ordinance, or resolution has been  
28 certified ~~under subdivision (b)(2) of this section when:~~

29 (a) ~~The requisite number of qualified~~  
30 ~~electors sign petitions filed with the county clerk; and~~

31 (b) ~~The county clerk certifies those~~  
32 ~~signatures to the county board of election commissioners~~ by the county clerk  
33 pursuant to § 3-8-201 et seq.

34 (iii) The resolution prepared by the county clerk  
35 calling the special local option election shall be filed with the county  
36 clerk, and the county clerk shall immediately transmit the document to the

1 county board of election commissioners.

2 (iv) The resolution calling the special local option  
3 election shall state:

4 (a) The date of the special election;

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

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

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

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

17 (C) The ballot shall be in substantially the following  
18 form:

19 "[ ] FOR the Sale of Alcoholic Beverages, As Authorized by Arkansas Code § 3-  
20 8-602.

21 [ ] AGAINST the Sale of Alcoholic Beverages, As Authorized by Arkansas Code §  
22 3-8-602."

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

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

28 (F) A majority vote of the qualified electors residing  
29 within the boundaries of the defunct voting district shall determine whether  
30 or not alcoholic beverages may be sold or manufactured under subdivision

31 (a)(2) of this section within the boundaries of the defunct voting district;  
32 and

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

36

1 SECTION 15. Arkansas Code Title 3, Chapter 8, Subchapter 6, is amended  
2 to add an additional section to read as follows:

3 3-8-603. Local option election – Territorial subdivision.

4 (a)(1) Upon receipt of an ordinance or resolution of the governing  
5 body of a territorial subdivision or upon a petition signed by fifteen  
6 percent (15%) of the qualified voters of the territorial subdivision, the  
7 territorial subdivision shall hold a local option election to determine  
8 whether the territorial subdivision is for or against the manufacture or sale  
9 of intoxicating liquors within the territorial subdivision.

10 (2) The ordinance or resolution of the governing body of the  
11 territorial subdivision requesting a local option election or the petition  
12 signed by fifteen (15%) of the qualified voters shall be submitted to the  
13 county clerk for certification.

14 (3)(A) The county clerk shall certify the ordinance or  
15 resolution or petition under this section within ten (10) days of the filing  
16 of the ordinance, resolution, or other action.

17 (B) If the county clerk certifies the ordinance or  
18 resolution of the governing body of the territorial subdivision or the  
19 petition, the county clerk shall certify the finding to the county board of  
20 election commissioners.

21 (C) The question shall be placed upon the ballot in the  
22 territorial subdivision at the next biennial November general election as  
23 required under § 3-8-101.

24 (4)(A) A local option election under this section shall be  
25 conducted in the manner stated in § 3-8-206(a) and (b).

26 (B) Upon petition of at least fifteen percent (15%) of the  
27 qualified electors in the territorial subdivision, within ten (10) days after  
28 the date of the local option election, the county board of election  
29 commissioners shall immediately recount the votes and declare the result of  
30 the local option election as determined by the recount.

31 (C) Within twenty (20) days after the local option  
32 election, the county court shall enter its order declaring the result of the  
33 local option election.

34 (D) The costs of a local option election held under this  
35 subchapter shall be paid by the county in the same manner as other costs of  
36 general elections.

1           (5) Upon petition of at least fifteen percent (15%) of the  
2 qualified electors in the territorial subdivision filed with the circuit  
3 clerk of the county in which proceedings are pending, the circuit court may  
4 immediately by mandamus compel the county court or other officials to perform  
5 the duties imposed upon them under this section.

6           (b)(1) If a majority of the qualified electors of the territorial  
7 subdivision vote to change from a wet to a dry territory, a license holder  
8 that held a valid license at the time of the local option election may retain  
9 the license and may operate under the license in the same manner as before  
10 the local option election was held.

11           (2) A license holder retaining a license under subdivision  
12 (b)(1) of this section shall not transfer or sell the license or transfer the  
13 license to another premises.

14           (c) If a majority of the qualified electors of the territorial  
15 subdivision vote to change from a dry to a wet territory, the Director of the  
16 Alcoholic Beverage Control Division may issue a license to a qualified  
17 applicant to manufacture or sell intoxicating liquors within the territorial  
18 subdivision.

19           (d) If a territorial subdivision conducts a local option election  
20 under this section, the results of a local option election held for the  
21 county in which the territorial subdivision is located do not override the  
22 results of the local option election for the territorial subdivision if a  
23 discrepancy exists between the results of the local option election for the  
24 county and the results of the local option election for the territorial  
25 subdivision.

26           (e) A local option election under this section may be held in the  
27 territorial subdivision only one (1) time every four (4) years.

28           (f) Except as provided in this section, a petition for a local option  
29 election is governed by § 3-8-801 et seq. and § 7-9-101 et seq.

30           (g) To the extent this section conflicts with § 3-8-201 et seq., this  
31 section controls.

32  
33           SECTION 16. Arkansas Code § 3-8-803(a), concerning the calling of a  
34 local option election by voter petition, is amended to read as follows:

35           (a) ~~An~~ If an election to determine whether licenses will be granted  
36 for the manufacture or sale or the bartering, loaning, or giving away of



1 intoxicating liquor ~~shall be~~ is called by a petition, the petition shall be  
2 signed by fifteen percent (15%) of the registered voters in the designated  
3 county, ~~township, municipality, ward, or precinct~~ or territorial subdivision  
4 ~~in a number equal to thirty eight percent (38%) of the registered voters.~~

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