

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

HOUSE BILL 1108

4
5 By: Representative Broadaway
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For An Act To Be Entitled

9 AN ACT TO ALLOW A REFERENDUM ELECTION BY ORDINANCE
10 REGARDING SUNDAY SALES OF ALCOHOL IN A CITY, TOWN, OR
11 COUNTY; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO ALLOW A REFERENDUM ELECTION BY
16 ORDINANCE REGARDING SUNDAY SALES OF
17 ALCOHOL IN A CITY, TOWN, OR COUNTY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 3-3-210(b), concerning sales of alcoholic
23 beverages on Sunday or early weekday mornings, is amended to read as follows:

24 (b)(1)(A) As a further exception to the Sunday sales prohibition ~~set~~
25 ~~out~~ in subsection (a) of this section, ~~counties and cities~~ a county, city, or
26 town in the state may refer to the voters at an election the issue of whether
27 or not to authorize the sale of alcoholic beverages for off-premises
28 consumption on Sundays between the hours of 10:00 a.m. and 12:00 midnight or
29 within a lesser period within the hours as may be provided under a referendum
30 election ~~conducted in accordance with the following~~ called in a:

31 (i) ~~A referendum election may be called in a city~~
32 City by a petition filed with the city clerk signed by fifteen percent (15%)
33 of the qualified electors who cast a vote in the city for the ~~Office~~ office
34 of Governor in the last general election in which the office appeared on the
35 ballot; ~~or~~

36 (ii) ~~A referendum election may be called in a county~~



1 County by a petition filed with the county clerk signed by fifteen percent
 2 (15%) of the qualified electors who cast a vote in the county for the ~~Office~~
 3 office of Governor in the last general election in which the office appeared
 4 on the ballot;

5 (iii) County by a quorum court ordinance; or

6 (iv) City or town by a city council ordinance.

7 (B)(i) If the requirements of subdivisions (b)(1)(A)(i) or
 8 (b)(1)(A)(ii) of this section are met, the referendum election shall be
 9 called by order of the quorum court or governing body of the city as provided
 10 under § 7-11-201 et seq., and the election shall be held and conducted under
 11 § 7-11-201 et seq.

12 (ii) The results of the election shall be certified
 13 under the supervision of the county board of election commissioners as
 14 provided by the election laws of this state.

15 (iii) The order of the quorum court or governing
 16 body of the city shall fix the date of the election not more than ninety (90)
 17 days from the date of the order and give notice by publication in a newspaper
 18 of general circulation in the city or county by at least two (2) insertions,
 19 the last being not less than ten (10) days before the election.

20 (iv) The county board shall tabulate the votes and
 21 certify the results to the county clerk or city clerk within ten (10) days
 22 after the election.

23 ~~(B)(C)~~ (C) The Sunday sale of alcoholic beverages for off-
 24 premises consumption authorized in this subsection shall be limited to those
 25 businesses within the county, ~~or city, or town~~ that possess a current and
 26 valid license for the sale of alcoholic beverages issued by the Alcoholic
 27 Beverage Control Division.

28 (2)(A) The election under this subsection shall be conducted on
 29 a citywide or countywide basis.

30 (B) All qualified electors within the city or county, as
 31 the case may be, shall be eligible to vote even though they may reside in a
 32 dry area.

33 ~~(C) The election under this subsection on the Sunday sales~~
 34 ~~question shall be held in accordance with the procedures established for on-~~
 35 ~~premises consumption elections by § 3-9-201 et seq., and the~~ The ballot for
 36 the election shall be printed substantially as follows:

1 “() FOR THE OFF-PREMISES SALE OF ALCOHOLIC BEVERAGES ON SUNDAY IN (NAME OF
2 CITY OR COUNTY), ARKANSAS, AS AUTHORIZED BY LAW.

3 () AGAINST THE OFF-PREMISES SALE OF ALCOHOLIC BEVERAGES ON SUNDAY IN (NAME
4 OF CITY OR COUNTY), ARKANSAS, AS AUTHORIZED BY LAW.”.

5 (3)(A) The vote of the majority of the electors in a citywide
6 election approving Sunday sales shall authorize the sales in all permitted
7 outlets located within the incorporated areas of the city only.

8 (B) The vote of the majority of the electors in a
9 countywide election approving Sunday sales shall authorize the sales of of
10 alcoholic beverages for off-premises consumption in all permitted outlets
11 located anywhere within the county.

12 (C)(i) The results of the election may be contested within
13 the time and in the manner provided by law.

14 (ii) Matters concerning the sufficiency of the
15 petitions and the conduct of the election not specifically provided for under
16 this section shall be determined in accordance with the initiative and
17 referendum laws of this state applicable to cities and counties,
18 respectively.

19 (iii) If a majority of those voting in a referendum
20 election under this subchapter vote against Sunday sales of alcoholic
21 beverages for off-premises consumption, an election shall not be held again
22 on the issue in the same voting district for a period of one (1) year.
23 However, an adverse vote in a countywide election shall not prohibit the
24 calling of an election in a city in the county, nor shall an adverse vote in
25 a city election prohibit the calling of an election in the county.

26 (iv) Successive referendum elections may be held in
27 the same county, city, or town to reverse the result of a previous election.
28 However, there shall be a period of not less than one (1) year between each
29 election.

30 (v) After a referendum election has initially been
31 held, subsequent elections in the same city or county shall be held at the
32 regular biennial general election.

33 (4) The vote of the majority of the electors against the off-
34 premises sale of alcoholic beverages on Sunday has no effect on sales of
35 mixed drinks in hotels and restaurants as authorized by § 3-9-215 or § 3-9-
36 216 or any other on-premises consumption permitted outlet.