

1 SB143
2 165079-1
3 By Senator Sanford
4 RFD: County and Municipal Government
5 First Read: 03-MAR-15

2
3
4
5
6
7
8 SYNOPSIS: Currently, any municipality, excluding
9 municipalities in Clay, Randolph, and Blount
10 Counties, having a population of 1,000 or more may
11 determine by a local option election whether
12 alcoholic beverages may be legally sold and
13 distributed within the corporate limits of the
14 municipalities.

15 This bill would remove the exception for
16 municipalities in Clay, Randolph, and Blount
17 Counties which would allow them to determine by a
18 local option election whether alcoholic beverages
19 may be legally sold and distributed within the
20 corporate limits of the municipalities.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 To amend Sections 28-2A-1 and 28-2A-3, Code of
27 Alabama 1975, relating to municipal option elections as to the

1 sale of alcoholic beverages within municipalities; to allow
2 municipalities in Clay, Randolph, and Blount Counties to
3 determine by a local option election whether alcoholic
4 beverages may be legally sold and distributed within the
5 corporate limits of the municipalities.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 28-2A-1 and 28-2A-3, Code of
8 Alabama 1975, are amended to read as follows:

9 "§28-2A-1.

10 "(a) Any municipality having a population of 1,000
11 or more, ~~excluding Clay, Randolph, and Blount Counties,~~ may
12 change its classification from dry to wet or wet to dry by a
13 municipal option election, in the following manner.

14 "(b) Upon petition of 30 percent of the number of
15 voters voting in the last preceding general election of the
16 municipality being filed with the city or town clerk or
17 governing body of said municipality, said governing body must
18 call a municipal option election for said municipality to
19 determine the sentiment of the people as to whether or not
20 alcoholic beverages can be legally sold or distributed in said
21 municipality. Said petition for municipal option election
22 shall contain the following: "It is petitioned that a
23 municipal option election be held to permit the legal sale and
24 distribution of alcoholic beverages within this municipality."
25 On the ballot to be used for such municipal option election,
26 the question shall be in the following form: "Do you favor the
27 legal sale and distribution of alcoholic beverages within this

1 municipality? Yes _____ No _____." Each subsequent municipal
2 option election must follow the petition process as provided
3 in this subsection with a new petition.

4 "(c) Said municipal option election shall be held
5 and the officers appointed to hold same in the manner provided
6 by law for holding other municipal elections and the returns
7 thereof tabulated and the results certified as provided by law
8 for such municipal elections. Said municipal option election
9 shall be held at the time of the primary, general,
10 county-wide, or municipal election next succeeding the date of
11 the filing of said petition, provided, however, said election
12 shall not be held within less than 30 days from the date of
13 the filing of said petition. Notice of said municipal option
14 election shall be given by the governing body of the
15 municipality by publication at least three weeks before the
16 date of election, in a newspaper in the municipality, or, if
17 there be none, in a newspaper in the county, or, if there be
18 neither, by posting such notice at the town or city hall,
19 apprising the voters of the municipality that a municipal
20 option election shall be held to determine whether such
21 municipality shall be wet or dry under this article. The cost
22 of said municipal option election, including the cost of
23 notice by publication, shall be paid out of the general fund
24 of the municipality.

25 "(d) Only qualified voters shall vote in said
26 municipal option election. If a majority of the voters in said
27 municipal option election vote "yes," said municipality shall

1 be wet, and alcoholic beverages can be legally sold,
2 distributed and consumed within the corporate limits of said
3 municipality, and all of the provisions of this title,
4 relating to alcoholic beverages in wet counties, including
5 Chapters 3, 3A, 6, and 7, shall be immediately put into
6 operation with respect to and effective within the corporate
7 limits of said municipality. Said municipality shall remain
8 wet until said municipality shall be in subsequent municipal
9 option election held under this article changed to a dry
10 municipality, notwithstanding the results of any subsequent
11 county election or special method referendum. All other laws
12 to the contrary notwithstanding, the electors residing within
13 the corporate limits of any such municipality that has become
14 wet pursuant to a municipal option election held under this
15 article shall not be entitled to vote in any subsequent county
16 election or special method referendum held to determine if the
17 county in which such municipality is located shall become wet.
18 The question of whether such county shall become wet shall be
19 decided by the electors of such county residing outside the
20 corporate limits of such wet municipality as otherwise
21 provided by law.

22 "(e) If a majority of the voters voting in said
23 municipal option election vote "no," said municipality shall
24 be a dry municipality under the terms of this article until
25 the county shall by subsequent election or special referendum,
26 vote wet, or the municipality shall by a subsequent municipal
27 option election held under this article, vote wet.

1 "(f) Said municipal option election in said
2 municipality may be held at the time of any primary, general,
3 county-wide, or municipal election as determined by the county
4 commission or the municipal governing body, as applicable,
5 provided a period of not less than 720 days must elapse
6 between the dates of such municipal option elections; provided
7 further, that a county wet-dry election or special method
8 referendum may be held at any time without regard to the lapse
9 of time between the dates of any county option elections.

10 "§28-2A-3.

11 "It is hereby declared the intention and the purpose
12 of this article to permit an election by the citizens of
13 certain municipalities to determine the wet or dry status of
14 such municipalities with regard to the sale, distribution, and
15 consumption of alcoholic beverages within the corporate limits
16 of ~~such~~ the municipalities; and further that ~~such~~ the election
17 shall be provided only in those municipalities which can
18 provide safeguards for the protection of the public welfare,
19 health, peace, and morals of the people. In the furtherance of
20 the protection of the public welfare, health, peace, and
21 morals, the Legislature has determined that a population
22 classification should be established to provide this method of
23 municipal option election only in those municipalities with a
24 population of 1,000 or more people within a county, ~~excluding~~
25 ~~Clay, Randolph, and Blount Counties,~~ it being the judgment of
26 the Legislature that municipalities with a lesser population
27 would be unable to support and maintain such protection where

1 ~~such~~ the municipality is located in a dry county, whereas a
2 municipality of 1,000 or more population would have the
3 resources and ability to support and maintain such
4 safeguards."

5 Section 2. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.