

1 SB210
2 164816-1
3 By Senator Brewbaker
4 RFD: County and Municipal Government
5 First Read: 11-MAR-15

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8 SYNOPSIS: This bill would hold a wet/dry election not
9 less than 82 days nor more than 97 days following
10 the date a petition is filed for a wet/dry
11 referendum.

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13 A BILL
14 TO BE ENTITLED
15 AN ACT

16
17 To amend Section 28-2-1, Code of Alabama 1975,
18 relating to wet/dry elections on the question of the sale of
19 alcoholic beverages; to provide further for the dates on which
20 such elections shall be held.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 28-2-1, Code of Alabama 1975, is
23 amended to read as follows:

24 "§28-2-1.

25 "(a) In every county where a majority of the
26 electors voting in an election, called by the Governor to
27 determine whether Chapter 3 of this title shall be adopted in

1 the county, vote "Yes," Chapter 3 and all of its provisions
2 shall be immediately put into operation in such county, but in
3 every county where a majority of the electors voting in said
4 election vote "No," Chapter 3 shall not go into effect in such
5 county and all laws prohibiting the manufacture and sale of
6 alcoholic liquors or beverages now in force and effect in
7 Alabama shall remain in full force and effect in every such
8 county. For the purpose of this chapter the term "wet county"
9 shall mean any county which by a majority of those voting
10 voted in the affirmative in the election provided for in this
11 section, and "dry counties" shall be construed to mean all
12 counties which by a majority of those voting voted in the
13 negative in the election provided for in this section. Any
14 county in the state may change its classification from wet to
15 dry or from dry to wet under this section in the following
16 manner: Upon the petition of 25 percent of the number of
17 voters voting in the last preceding general election being
18 filed with the probate judge of said county, said probate
19 judge must call an election for said county to determine the
20 sentiment of the people as to whether or not alcoholic
21 beverages can be legally sold or distributed in said county.
22 Said election shall be held and the officers appointed to hold
23 same in the manner provided by law for holding other county
24 elections and the returns thereof tabulated and results
25 certified as provided by law for such elections. Said election
26 shall be held within not less than ~~30~~ 82 days, nor more than
27 ~~45~~ 97 days, from the date of filing of said petition and

1 notice thereof shall be given by the probate judge by
2 publication at least three weeks before the date of said
3 election, in a newspaper in the county or, if there be none,
4 by posting such notice at the courthouse apprising the voters
5 of the county that an election will be held in the several
6 precincts thereof to determine whether such county shall be
7 wet or dry under the laws regulating alcoholic beverages. The
8 cost of said election, including the cost of notice by
9 publication, shall be paid out of the general funds of the
10 county. On the ballot to be used for such election the
11 question shall be in the following form: "Do you favor the
12 legal sale and distribution of alcoholic beverages within this
13 county? Yes ____ No ____." Only qualified voters shall vote in
14 said election. If a majority of the voters voting in said
15 election vote "Yes," said county shall be wet or remain wet
16 under the terms of this section until said county shall in a
17 subsequent election held under this section change to a dry
18 county. If a majority of the electors voting in said election
19 vote "No," said county shall be a dry county under the terms
20 of Chapter 4 until it shall by a subsequent election, held
21 under this section, vote wet. Said elections in said counties
22 may be held at any time; provided, that a period of not less
23 than two years must elapse between the dates of such
24 elections.

25 (b) In all dry counties, as defined in subsection
26 (a) of this section, the statutes of Alabama prohibiting the
27 manufacture, sale or distribution of alcoholic beverages shall

1 remain in full force and effect, and any person, firm or
2 corporation convicted of violating any of the provisions of
3 law regulating or defining the illegal manufacture, sale or
4 distribution of alcoholic beverages shall be punished as
5 provided by such laws."

6 Section 2. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.