

1 HB219
2 173579-1
3 By Representatives Johnson (K) and Pettus
4 RFD: County and Municipal Government
5 First Read: 11-FEB-16

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8 SYNOPSIS: Currently, a municipal option election may
9 be held no sooner than 720 days have elapsed
10 following a prior municipal option election.

11 This bill would increase the minimum number
12 of days to 1,440.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Section 28-2A-1, Code of Alabama 1975, as
19 amended by Act 2015-2 of the 2015 Regular Session, relating to
20 municipal option elections; to provide that a municipal
21 election held on the question of changing a classification
22 from dry to wet or wet to dry may not be held for at least
23 1,440 days following a prior municipal option election.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 28-2A-1, Code of Alabama 1975, as
26 amended by Act 2015-2 of the 2015 Regular Session, is amended
27 to read as follows:

1 "§28-2A-1.

2 "(a) Any municipality having a population of 1,000
3 or more, may change its classification from dry to wet or wet
4 to dry by a municipal option election, in the following
5 manner.

6 "(b) Upon petition of 30 percent of the number of
7 voters voting in the last preceding general election of the
8 municipality being filed with the city or town clerk or
9 governing body of said municipality, said governing body must
10 call a municipal option election for said municipality to
11 determine the sentiment of the people as to whether or not
12 alcoholic beverages can be legally sold or distributed in said
13 municipality. Said petition for municipal option election
14 shall contain the following: "It is petitioned that a
15 municipal option election be held to permit the legal sale and
16 distribution of alcoholic beverages within this municipality."
17 On the ballot to be used for such municipal option election,
18 the question shall be in the following form: "Do you favor the
19 legal sale and distribution of alcoholic beverages within this
20 municipality? Yes _____ No _____." Each subsequent municipal
21 option election must follow the petition process as provided
22 in this subsection with a new petition.

23 "(c) Said municipal option election shall be held
24 and the officers appointed to hold same in the manner provided
25 by law for holding other municipal elections and the returns
26 thereof tabulated and the results certified as provided by law
27 for such municipal elections. Said municipal option election

1 shall be held at the time of the primary, general,
2 county-wide, or municipal election next succeeding the date of
3 the filing of said petition, provided, however, said election
4 shall not be held within less than 30 days from the date of
5 the filing of said petition. Notice of said municipal option
6 election shall be given by the governing body of the
7 municipality by publication at least three weeks before the
8 date of election, in a newspaper in the municipality, or, if
9 there be none, in a newspaper in the county, or, if there be
10 neither, by posting such notice at the town or city hall,
11 apprising the voters of the municipality that a municipal
12 option election shall be held to determine whether such
13 municipality shall be wet or dry under this article. The cost
14 of said municipal option election, including the cost of
15 notice by publication, shall be paid out of the general fund
16 of the municipality.

17 "(d) Only qualified voters shall vote in said
18 municipal option election. If a majority of the voters in said
19 municipal option election vote "yes," said municipality shall
20 be wet, and alcoholic beverages can be legally sold,
21 distributed and consumed within the corporate limits of said
22 municipality, and all of the provisions of this title,
23 relating to alcoholic beverages in wet counties, including
24 Chapters 3, 3A, 6, and 7, shall be immediately put into
25 operation with respect to and effective within the corporate
26 limits of said municipality. Said municipality shall remain
27 wet until said municipality shall be in subsequent municipal

1 option election held under this article changed to a dry
2 municipality, notwithstanding the results of any subsequent
3 county election or special method referendum. All other laws
4 to the contrary notwithstanding, the electors residing within
5 the corporate limits of any such municipality that has become
6 wet pursuant to a municipal option election held under this
7 article shall not be entitled to vote in any subsequent county
8 election or special method referendum held to determine if the
9 county in which such municipality is located shall become wet.
10 The question of whether such county shall become wet shall be
11 decided by the electors of such county residing outside the
12 corporate limits of such wet municipality as otherwise
13 provided by law.

14 "(e) If a majority of the voters voting in said
15 municipal option election vote "no," said municipality shall
16 be a dry municipality under the terms of this article until
17 the county shall by subsequent election or special referendum,
18 vote wet, or the municipality shall by a subsequent municipal
19 option election held under this article, vote wet.

20 "(f) Said municipal option election in said
21 municipality ~~may~~ shall be held at the time of any primary,
22 general, county-wide, or municipal election as determined by
23 the county commission or the municipal governing body, as
24 applicable, provided a period of not less than ~~720~~ 1,440 days
25 must elapse between the dates of such municipal option
26 elections; provided further, that a county wet-dry election or
27 special method referendum may be held at any time without

1 regard to the lapse of time between the dates of any county
2 option elections."

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