

Senate Bill 205

By: Senator Gooch of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages,
2 so as to change certain provisions related to the issuance of the call and the setting of dates
3 for elections relating to the question of Sunday sales during certain hours; to provide for
4 related matters; to provide an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
9 amended in Code Section 3-3-7, relating to local authorization and regulation of sales of
10 alcoholic beverages on Sunday, by revising paragraph (2) of subsection (j) and paragraph (2)
11 of subsection (j.1) as follows:

12 "(2) Any governing authority desiring to permit and regulate Sunday sales pursuant to
13 this subsection, but only after a referendum election, shall so provide by proper resolution
14 or ordinance conditioned on a referendum. ~~Not less than ten nor more than 60 days after~~
15 ~~the date of approval of such resolution or ordinance, it~~ It shall be the duty of the election
16 superintendent of the county or municipality to issue the call for an election for the
17 purpose of submitting the question of Sunday sales to the electors of the county or
18 municipality for approval or rejection. ~~The superintendent and~~ and shall set the date of the
19 election ~~for a day not less than 30 nor more than 60 days after the date of the issuance of~~
20 ~~the call~~ in accordance with the provisions of Chapter 2 of Title 21. The superintendent
21 shall cause the date and purpose of the election to be published in the official organ of the
22 county once a week for two weeks immediately preceding the date thereof. The ballot
23 shall have written or printed thereon the words:

24 '() YES Shall the governing authority of (name of municipality or county) be
25 authorized to permit and regulate Sunday sales of distilled spirits or
26 () NO alcoholic beverages for beverage purposes by the drink?'

27 All persons desiring to vote for approval of Sunday sales shall vote 'Yes,' and those
 28 persons desiring to vote for rejection of Sunday sales shall vote 'No.' If more than
 29 one-half of the votes cast on the question are for approval of Sunday sales, the governing
 30 authority may by appropriate resolution or ordinance permit and regulate Sunday sales
 31 by licensees. Otherwise, such Sunday sales shall not be permitted. The expense of the
 32 election shall be borne by the county or municipality in which the election is held. It
 33 shall be the duty of the superintendent to hold and conduct the election. It shall be his or
 34 her further duty to certify the result thereof to the Secretary of State."

35 "(2) Any governing authority desiring to permit and regulate Sunday sales pursuant to
 36 this subsection shall so provide by proper resolution or ordinance conditioned on
 37 approval in a referendum election. ~~Not less than ten nor more than 60 days after the date~~
 38 ~~of approval of such resolution or ordinance, it~~ It shall be the duty of the election
 39 superintendent of the county or municipality to issue the call for an election for the
 40 purpose of submitting the question of Sunday sales to the electors of the county or
 41 municipality for approval or rejection. ~~The superintendent and~~ and shall set the date of the
 42 election ~~for a day not less than 30 nor more than 60 days after the date of the issuance of~~
 43 ~~the call~~ in accordance with the provisions of Chapter 2 of Title 21. The superintendent
 44 shall cause the date and purpose of the election to be published in the official organ of the
 45 county once a week for two weeks immediately preceding the date thereof. The ballot
 46 shall have written or printed thereon the words:

47 '() YES Shall the governing authority of (name of municipality or county) be
 48 authorized to permit and regulate Sunday sales of distilled spirits or
 49 alcoholic beverages for beverage purposes by the drink from 11:00
 50 () NO A.M. to 12:30 P.M.?'

51 All persons desiring to vote for approval of such Sunday sales shall vote 'Yes,' and those
 52 persons desiring to vote for rejection of such Sunday sales shall vote 'No.' If more than
 53 one-half of the votes cast on the question are for approval of such Sunday sales, the
 54 governing authority may by appropriate resolution or ordinance permit and regulate such
 55 Sunday sales by licensees. Otherwise, such Sunday sales shall not be permitted. The
 56 expense of the election shall be borne by the county or municipality in which the election
 57 is held. It shall be the duty of the superintendent to hold and conduct the election. It
 58 shall be his or her further duty to certify the result thereof to the Secretary of State."

59 **SECTION 2.**

60 This Act shall become effective upon its approval by the Governor or upon its becoming law
 61 without such approval.

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SECTION 3.

63 All laws and parts of laws in conflict with this Act are repealed.