



SB 10 Authorizes Sunday Package Sales

Effective July 1, 2011, the bill authorizes counties and cities (which already allow package sales) to approve the package sale of beer, wine, and distilled spirits on Sunday between the hours of 12:30 p.m. to 11:30 p.m. Before a county can place it on the ballot, a commission must first authorize the vote via a resolution or ordinance. After a four week notice in the county organ, the proposal then goes to a vote of the public with a simple majority prevailing. Elections can take place any time a special election is allowed under current law (O.C.G.A. 21-2-540 see highlighted section of the code below) and are to be paid for by the county or city that puts the vote on the ballot.

A model resolution to allow beer and wine and a model resolution to allow beer, wine, and distilled spirits is attached and available at www.accg.org.

GEORGIA CODE
TITLE 21. ELECTIONS
CHAPTER 2. ELECTIONS AND PRIMARIES GENERALLY
ARTICLE 14. SPECIAL ELECTIONS AND PRIMARIES GENERALLY; MUNICIPAL TERMS OF OFFICE

(2) Notwithstanding any other provision of law to the contrary, a special election to present a question to the voters shall be held only on one of the following dates which is at least 29 days after the date of the call for the special election:

(A) In odd-numbered years, any such special election shall only be held on the third Tuesday in March or on the Tuesday after the first Monday in November; and

(B) In even-numbered years, any such special election shall only be held on:

(i) The date of and in conjunction with the presidential preference primary if one is held that year;

(ii) The date of the general primary; or

(iii) The Tuesday after the first Monday in November.

ACCG
May 2011

MODEL RESOLUTION

AUTHORIZING A REFERENDUM TO ALLOW PACKAGE
SALES ON SUNDAYS BY RETAILERS OF PACKAGE MALT
BEVERAGES AND WINE

WHEREAS, package sales of malt beverages and wine by retailers are currently lawful within the unincorporated area of _____ County; and

WHEREAS, sales of malt beverages and wine by retailers are currently subject to regulation on Mondays through Saturdays in the unincorporated area of _____ County by the governing authority of _____ County; and

WHEREAS, O.C.G.A. § 3-3-7(p) authorizes the governing authority of a county to allow package sales by retailers of malt beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30 P.M.,¹ if such sales are approved by referendum.

NOW, THEREFORE, BE IT RESOLVED by the governing authority of _____ County, Georgia that the County Clerk is hereby authorized and directed to transmit this Resolution to the Elections Superintendent to issue the call for a referendum for the purpose of submitting to the voters of the county the question of authorizing Sunday package sales by retailers of malt beverages and wine between the hours of 12:30 P.M. and 11:30 P.M.

BE IT FURTHER RESOLVED that, upon receipt of this Resolution, the Elections Superintendent shall issue the call and shall conduct the election on the ____ of _____, 20 ____ in the manner prescribed by O.C.G.A. § 21-2-540.

BE IT FURTHER RESOLVED that the Elections Superintendent shall cause the date and purpose of the election to be published once a week for four weeks immediately preceding the date of the election in the official organ of the county.

BE IT FURTHER RESOLVED that the Elections Superintendent shall cause the following language to be written or printed on the ballot:

“() YES Shall the governing authority of _____ County be authorized to permit and regulate package sales by retailers of malt beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30 P.M.?”
() NO

BE IT FURTHER RESOLVED that upon the passage of the Sunday package sales referendum, the governing authority of _____ County shall be authorized to _____

¹ The resolution must include malted beverages and wine if the county currently allows for the package sales of both Monday through Saturday.

permit and regulate package sales by retailers of malt beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30P.M. effective _____.²

IN WITNESS WHEREOF, this resolution has been duly adopted by the governing authority of _____ County, Georgia on the ____ of _____, 20__.

Chairperson

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of an original resolution duly adopted by the Board of Commissioners of _____ County on the ____ day of _____, 20__.

In witness whereof, I hereunto set my hand and affix the seal of the County, this ____ day of _____, 20__.

County Clerk

[Affix Seal]

²The Resolution must include the date that Sunday sales will be effective if the referendum is approved by the voters. That date must be after July 1, 2011. See OCGA 3-3-7 (q)(2).

BE IT FURTHER RESOLVED that upon the passage of the Sunday package sales referendum, the governing authority of _____ County shall be authorized to permit and regulate package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30P.M. effective _____.²

IN WITNESS WHEREOF, this resolution has been duly adopted by the governing authority of _____ County, Georgia on the _____ of _____, 20__.

Chairperson

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of an original resolution duly adopted by the Board of Commissioners of _____ County on the _____ day of _____, 20__.

In witness whereof, I hereunto set my hand and affix the seal of the County, this _____ day of _____, 20__.

County Clerk

[Affix Seal]

² The Resolution must include the date that Sunday sales will be effective if the referendum is approved by the voters. That date must be after July 1, 2011. See OCGA 3-3-7 (q)(2).