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ALCOHOLIC BEVERAGES

Regulation of Alcoholic Beverages Generally: Authorize Sale of Alcoholic Beverages on Election Day Unless Prohibited by County or Municipality

CODE SECTION: O.C.G.A. § 3-3-20 (amended)
BILL NUMBER: HB 1339
ACT NUMBER: 852
GEORGIA LAWS: 2000 Ga. Laws 1405
SUMMARY: The Act amends Code section 3-3-20 to permit the sale of alcoholic beverages on election day in counties and municipalities that allow sale of alcoholic beverages. The Act also authorizes counties and municipalities to prohibit the sale of alcoholic beverages on election day.
EFFECTIVE DATE: July 1, 2000

History

Previously, the sale of alcoholic beverages on election day was prohibited.¹ This was changed in 1981 when counties and municipalities were given the power to authorize sales of alcoholic beverages on election day by ordinance, resolution, or referendum.² Thus, although alcohol sales on election day were generally prohibited, localities could allow them.³ This system created headaches because retailers were responsible for knowing their locality's ordinance, and the problem was compounded in municipalities that kept poorly accessible records.⁴ In at least one case, a retailer was prevented from

1. See 1980 Ga. Laws 1573, § 1, at 1590 (formerly found at Code 1933, § 5A-507).

2. See 1981 Ga. Laws 460, § 1, at 461 (formerly found at Code 1981, § 5A-507). By 1987, more than 400 local governments had passed resolutions or ordinances allowing alcohol sales on election day. See Audio Recording of Senate Proceedings, Mar. 16, 2000 (remarks by Sen. Ed Harbison) <<http://www.ganet.org/services/leg/audio/2000archive.html>> [hereinafter Senate Audio].

3. See 1981 Ga. Laws 460, § 1, at 461 (formerly found at Code 1981, § 5A-507).

4. See Telephone Interview with Fred Kitchens, Executive Director, Wine and Spirits Wholesalers of Georgia (May 18, 2000).

selling alcoholic beverages when no one involved could track down the authorizing ordinance.⁵ HB 1339 was drafted to ameliorate these problems by making sale of alcoholic beverages on election day the default and prohibition the exception.⁶

HB 1339

Upon introduction, the House assigned the bill to its Regulated Beverages Committee, which favorably reported the bill, as introduced, on February 10, 2000.⁷ The House passed the bill (112-51) on February 21, 2000, without amendment.⁸ The Senate Veterans and Consumer Affairs Committee favorably reported the bill, as introduced, on March 7, 2000.⁹ The Senate passed the bill (29-21) on March 16, 2000, without changes.¹⁰ Governor Roy Barnes signed HB 1339 into law on May 1, 2000.¹¹

The Act

The Act amends Code section 3-3-20, regarding sale of alcoholic beverages on certain days, by permitting sale of alcoholic beverages on election day in counties and municipalities that allow sale of alcoholic beverages.¹² The Act also authorizes counties and municipalities to prohibit sales of alcoholic beverages on election day by ordinance.¹³ The Act also provides that such prohibition will only apply within the

5. See Audio Recording of House Proceedings, Feb. 21, 2000 (remarks by Rep. Carl Von Epps) <<http://www.ganet.org/services/leg/audio/2000archive.html>>.

6. See Telephone Interview with Stony McGill, Assistant Director, Georgia Alcohol Dealers Association (June 12, 2000). Given that over 400 local governments had passed resolutions or ordinances allowing alcohol sales on election day under the old law, this bill simply offered a change of convenience rather than substance. See *id.*; see also Senate Audio, *supra* note 2.

7. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

8. See Georgia House of Representatives Voting Record, HB 1339 (Feb. 21, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

9. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

10. See Georgia Senate Voting Record, HB 1339 (Mar. 16, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

11. See 2000 Ga. Laws 1405, § 2, at 1408.

12. Compare 1992 Ga. Laws 1695, § 1, at 1695 (formerly found at O.C.G.A. § 3-3-20(b)(2)(A) (Supp. 1999)), with O.C.G.A. § 3-3-20(b)(2)(A) (Supp. 2000).

13. Compare 1992 Ga. Laws 1695, § 1, at 1695 (formerly found at O.C.G.A. § 3-3-20(b)(2)(B) (Supp. 1999)), with O.C.G.A. § 3-3-20(b)(2)(B) (Supp. 2000).

territorial boundaries of any election being held, excluding property owned by a political subdivision of Georgia for operation of an airport.¹⁴

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14. Compare 1992 Ga. Laws 1695, § 1, at 1695 (formerly found at O.C.G.A. § 3-3-20(b)(2)(B) (Supp. 1999)), with O.C.G.A. § 3-3-20(b)(2)(B) (Supp. 2000).