

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

1 SB210

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4 ENROLLED, An Act,

5 To amend Section 28-2-1, Code of Alabama 1975,  
6 relating to wet/dry elections on the question of the sale of  
7 alcoholic beverages; to provide further for the dates on which  
8 such elections shall be held.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 "§28-2-1.

13 "(a) In every county where a majority of the  
14 electors voting in an election, called by the Governor to  
15 determine whether Chapter 3 of this title shall be adopted in  
16 the county, vote "Yes," Chapter 3 and all of its provisions  
17 shall be immediately put into operation in such county, but in  
18 every county where a majority of the electors voting in said  
19 election vote "No," Chapter 3 shall not go into effect in such  
20 county and all laws prohibiting the manufacture and sale of  
21 alcoholic liquors or beverages now in force and effect in  
22 Alabama shall remain in full force and effect in every such  
23 county. For the purpose of this chapter the term "wet county"  
24 shall mean any county which by a majority of those voting  
25 voted in the affirmative in the election provided for in this

1 section, and "dry counties" shall be construed to mean all  
2 counties which by a majority of those voting voted in the  
3 negative in the election provided for in this section. Any  
4 county in the state may change its classification from wet to  
5 dry or from dry to wet under this section in the following  
6 manner: Upon the petition of 25 percent of the number of  
7 voters voting in the last preceding general election being  
8 filed with the probate judge of said county, said probate  
9 judge must call an election for said county to determine the  
10 sentiment of the people as to whether or not alcoholic  
11 beverages can be legally sold or distributed in said county.  
12 Said election shall be held and the officers appointed to hold  
13 same in the manner provided by law for holding other county  
14 elections and the returns thereof tabulated and results  
15 certified as provided by law for such elections. Said election  
16 shall be held within not less than ~~30~~ 82 days, nor more than  
17 ~~45~~ 97 days, from the date of filing of said petition and  
18 notice thereof shall be given by the probate judge by  
19 publication at least three weeks before the date of said  
20 election, in a newspaper in the county or, if there be none,  
21 by posting such notice at the courthouse apprising the voters  
22 of the county that an election will be held in the several  
23 precincts thereof to determine whether such county shall be  
24 wet or dry under the laws regulating alcoholic beverages. The  
25 cost of said election, including the cost of notice by

1 publication, shall be paid out of the general funds of the  
2 county. On the ballot to be used for such election the  
3 question shall be in the following form: "Do you favor the  
4 legal sale and distribution of alcoholic beverages within this  
5 county? Yes \_\_\_\_ No \_\_\_\_." Only qualified voters shall vote in  
6 said election. If a majority of the voters voting in said  
7 election vote "Yes," said county shall be wet or remain wet  
8 under the terms of this section until said county shall in a  
9 subsequent election held under this section change to a dry  
10 county. If a majority of the electors voting in said election  
11 vote "No," said county shall be a dry county under the terms  
12 of Chapter 4 until it shall by a subsequent election, held  
13 under this section, vote wet. Said elections in said counties  
14 may be held at any time; provided, that a period of not less  
15 than two years must elapse between the dates of such  
16 elections.

17           "(b) In all dry counties, as defined in subsection  
18 (a) of this section, the statutes of Alabama prohibiting the  
19 manufacture, sale or distribution of alcoholic beverages shall  
20 remain in full force and effect, and any person, firm or  
21 corporation convicted of violating any of the provisions of  
22 law regulating or defining the illegal manufacture, sale or  
23 distribution of alcoholic beverages shall be punished as  
24 provided by such laws."

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

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB210

Senate 16-APR-15

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris  
Secretary

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House of Representatives  
Passed: 04-JUN-15

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By: Senator Brewbaker