

RESOLUTION

A RESOLUTION TO REGULATE AND PROVIDE FOR THE CALLING OF AN ELECTION TO DETERMINE WHETHER THE BOARD OF COMMISSIONERS OF NEWTON COUNTY SHALL BE AUTHORIZED TO ISSUE LICENSES TO SELL DISTILLED SPIRITS FOR BEVERAGE PURPOSES BY THE DRINK FOR CONSUMPTION ONLY ON THE PREMISES AND WHETHER SALES OF DISTILLED SPIRITS OR ALCOHOLIC BEVERAGES FOR BEVERAGE PURPOSES BY THE DRINK SHOULD BE ALLOWED ON SUNDAYS AS AUTHORIZED BY ARTICLE 5 OF CHAPTER 4 OF TITLE 3 AND ARTICLE 1 OF CHAPTER 3 OF TITLE 3 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED; REQUESTING THE ELECTION SUPERINTENDENT OF NEWTON COUNTY TO CALL AN ELECTION OF THE VOTERS OF NEWTON COUNTY; APPROVING THE FORM OF THE QUESTIONS ON THE BALLOT TO BE USED IN SUCH ELECTION AND THE NOTICE OF SUCH ELECTION; AND FOR OTHER PURPOSES.

WHEREAS, Article 5 of Chapter 4 of Title 3 of the Official Code of Georgia Annotated authorizes counties in which package sales of distilled spirits are not lawful to issue licenses to sell distilled spirits for beverage purposes by the drink for consumption only on the premises if approved by a referendum election; and

WHEREAS, Article 1 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated authorizes counties to allow the consumption of alcoholic beverages for consumption on the premises on Sundays from 12:30 P.M. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging if approved by a referendum election;

WHEREAS, the Board wishes to call a referendum election for the purpose of determining whether or not these powers shall be exercised; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Newton County, Georgia as follows:

Section 1. Call for the Election; Ballot Form; Notice.

(a) The Board of Elections of Newton County is hereby requested to call a referendum election in all voting precincts in the County in conjunction with the general election on the 6th day of November, 2012, for the purpose of submitting to the qualified voters of the County the questions set forth in paragraph (b) below.

(b) The ballots to be used in the election shall have written or printed thereon substantially the following:

Yes Shall the governing authority of Newton County, Georgia be authorized to issue licenses to sell distilled spirits for beverage purposes by the drink, such sales to be for consumption only on the premises?"

No

and

Yes Shall the governing authority of Newton County, Georgia be authorized to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink?"

No

(c) It is hereby requested that the election be held by the Board of Elections of Newton County in accordance with the election laws of the State of Georgia, including, without limitation, the election laws relating to special elections. It is hereby further requested that the Board of Elections of Newton County canvass the returns, declare the result of the election, and certify the result to the Secretary of State of the State of Georgia.

(d) In accordance with O.C.G.A. §21-2-540, the date of such election shall be and is hereby set as November 6, 2012. The polls of each election district of Newton County shall open at 7:00 a.m. and close at 7:00 p.m. The election shall be held in accordance with the election laws of the State of Georgia. The returns of said election shall be made to the Board and to the Election Superintendent of Newton County, Georgia who shall, in the presence of and together with the several managers of the polls who shall bring up the returns, consolidate the returns and declare the result of the election in the manner required by law.

(e) The Board of Elections of Newton County is hereby authorized and requested to publish a notice of the election as required by law in the official organ of the County, which notice is to be published once a week for two weeks immediately preceding the date of the election. The notice of the election shall be in substantially the form attached hereto as Exhibit A.

Section 2. Effective Date for Sale of Distilled Spirits by the Drink. Upon passage of the distilled spirits by the drink referendum and/or the distilled spirits by the drink on Sundays referendum and certification to the Georgia Secretary of State, the County shall be authorized to issue licenses for such sales to be effective upon the approval of an amendment to the Newton County Alcoholic Beverage Ordinance regulating such sales.

SO RESOLVED this 3rd day of July, 2012.

NEWTON COUNTY, GEORGIA

By: *Kathryn G. Morgan*
Kathryn G. Morgan, Chairman

Attest: *Jackie Smith*
Jackie Smith, County Clerk



EXHIBIT A

NOTICE OF CALL FOR SPECIAL ELECTION TO THE QUALIFIED VOTERS OF NEWTON COUNTY, GEORGIA TO CONSIDER WHETHER THE BOARD OF COMMISSIONERS OF NEWTON COUNTY SHALL BE AUTHORIZED TO ISSUE LICENSES TO SELL DISTILLED SPIRITS FOR BEVERAGE PURPOSES BY THE DRINK FOR CONSUMPTION ONLY ON THE PREMISES AND WHETHER SALES OF DISTILLED SPIRITS OR ALCOHOLIC BEVERAGES FOR BEVERAGE PURPOSES BY THE DRINK SHOULD BE ALLOWED ON SUNDAYS

TO THE QUALIFIED VOTERS OF NEWTON COUNTY:

NOTICE IS HEREBY GIVEN that on the 6th day of November, 2012, an election will be held at the regular polling places in all the election districts of Newton County, Georgia, at which time there will be submitted to the qualified voters of Newton County, Georgia, for their determination the questions of whether the Board of Commissioners of Newton County shall be authorized to issue licenses to sell distilled spirits for beverage purposes by the drink for consumption only on the premises and whether sales of distilled spirits or alcoholic beverages for beverage purposes by the drink should be allowed on Sundays, as provided in Article 5 of Chapter 4 of Title 3 and Article 1 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated.

Voters desiring to vote in favor of each question shall do so by voting "Yes" and voters desiring to vote against each question shall do so by voting "No" as to the questions propounded, to wit:

Yes Shall the governing authority of Newton County, Georgia be authorized to issue licenses to sell distilled spirits for beverage purposes by the drink, such sales to be for consumption only on the premises?"

No

and

Yes Shall the governing authority of Newton County, Georgia be authorized to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink?"

No

If more than one-half of the votes cast are in favor of issuing licenses to sell distilled spirits for beverage purposes by the drink, such sale to be for consumption only on the premises, then the governing authority shall amend the Newton County Alcoholic Beverage Ordinance to authorize the issuance of such licenses; otherwise, no license shall be issued.

If more than one-half of the votes cast are in favor of issuing licenses to sell distilled spirits for beverage purposes by the drink, such sale to be for consumption only on the premises, and if more than one-half of the votes cast on the question are for approval of Sunday sales, the

governing authority may, by appropriate resolution or ordinance, permit and regulate Sunday sales by licensees. Otherwise, such Sunday sales shall not be permitted.

The several places for holding said election shall be at the regular and established voting precincts of all of the election districts of Newton County, Georgia, and the polls will be open from 7:00 a.m. to 7:00 p.m. on the date fixed for the election.

Those residents of Newton County, Georgia, qualified to vote at such election shall be determined in all respects in accordance with the election laws of the State of Georgia.

This notice is given pursuant to a resolution of the Board of Commissioners of Newton County, Georgia, adopted on the 3rd day of July, 2012, and a call of election by the Election Superintendent of Newton County.