

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 19  
Judiciary I Committee Substitute Adopted 4/28/03**

Short Title: Township ABC Elections.

(Public)

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Sponsors:

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Referred to:

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February 10, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING TOWNSHIP ABC ELECTIONS IN CERTAIN TOWNSHIPS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 18B-600(f) reads as rewritten:

"(f) Township Elections. — An election may be called on any of the propositions listed in G.S. 18B-602 in any township located within:

(1) A county where ABC stores have heretofore been established by petition pursuant to law.

(2) A county where ABC stores have been established pursuant to law, in which county according to data from the North Carolina Department of Commerce: (i) one-third or more of the employment is travel related, (ii) spending on travel exceeds four hundred million dollars (\$400,000,000) per year, and where the entirety of two townships consists of one island (and several smaller islands not making up more than one percent (1%) of the total land area of the two townships) where that island:

a. Has a population of 4,000 or over according to the most recent decennial federal census;

b. Is located with one side facing the ocean and another side facing a coastal sound.

(3) A county where the population of all cities in the county that have previously approved the sale of any kind of alcoholic beverages comprises more than twenty percent (20%) of the total county population as of the most recent federal census.

In the case of subdivision (2) of this section, an election may be called in the two townships voting together on the proposition contained in G.S. 18B-602(h).

The election shall be held by the county board of elections upon request of the county board of commissioners or upon petition of twenty-five percent (25%) of the

1 registered voters of the township, or in the case of subdivision (2) of this section, of the  
2 two townships taken together. The election shall be conducted and the results  
3 determined in the same manner as county elections held under this Article. For purposes  
4 of this Article, townships holding any election under this subsection shall be treated on  
5 the same basis as counties, and municipalities located within those townships shall be  
6 treated on the same basis as cities. In the case of an election under subdivision (2) of  
7 this subsection, the votes of the two townships counted together shall determine the  
8 result of the election.

9 For purposes of this subsection, the name and boundary of a township is as it is  
10 shown on the Redistricting Census 2000 TIGER Files with modifications made by the  
11 Legislative Services Office on its computer database as of May 1, 2001.

12 In any township election held under this subsection, the area within any incorporated  
13 municipality is excluded, and no permits may be issued under this subsection in any  
14 excluded area.

15 In order for an establishment to qualify for a permit under this subsection, the  
16 establishment's gross receipts from food and nonalcoholic beverages shall be greater  
17 than its gross receipts from alcoholic beverages."

18 **SECTION 2.** G.S. 18B-604 reads as rewritten:

19 **"§ 18B-604. Timing and effect of subsequent elections.**

20 (a) Time Limits. – No county alcoholic beverage election may be held within  
21 three years of the certification of the results of a previous election on the same kind of  
22 alcoholic beverages in that county. No city alcoholic beverage election may be held  
23 within three years of the certification of the results of a previous election on the same  
24 kind of alcoholic beverage in that city. Otherwise, alcoholic beverage elections may be  
25 held at any time, subject to the applicable provisions of this Chapter and Chapter 163.

26 (b) Effect of Favorable County Vote on ~~City.~~ City or Township. – If a majority of  
27 voters vote in favor of certain alcoholic beverage sales in a county election, sale of that  
28 kind of alcoholic beverage shall be lawful throughout the county, regardless of the vote  
29 in any city or township at that or any previous or subsequent election, and regardless of  
30 any local act making sales unlawful in that ~~city,~~ city or township, unless the local act  
31 was ratified before the effective date of Article II, Section 24(1)(j) of the Constitution of  
32 North Carolina. A county malt beverage or unfortified [wine] election in favor of a  
33 particular ballot proposition which is more restrictive than the form of sale already  
34 allowed in a city or township within that county shall not affect the legality of those  
35 previously authorized sales in the ~~city.~~ city or township.

36 (c) Effect of Negative County Vote on ~~City.~~ City or Township. – If a majority of  
37 voters vote against certain alcoholic beverage sales in a county election, sale of that  
38 kind of alcoholic beverage shall be unlawful throughout the county, except that sale of  
39 that alcoholic beverage shall remain lawful in any city or township in which sale is  
40 lawful because of a city or township election or a local act.

41 (d) Effect of City or Township Election on County. – A city or township  
42 alcoholic beverage election shall not affect the lawfulness of sale in any part of the  
43 county outside that ~~city.~~ city or township.

1       ~~(e) ABC Store Required for Mixed Beverages. — The sale of mixed beverages~~  
2 ~~may not continue in a city or county at any time after the ABC stores which are~~  
3 ~~requisite to mixed beverage sales have closed.~~

4       (f) When Sales Stop. — When the sale of any alcoholic beverage that was  
5 previously lawful becomes unlawful because of an election, the sale of that alcoholic  
6 beverage shall cease 90 days after certification of the results of the election."

7               **SECTION 3.** G.S. 18B-404(b) reads as rewritten:

8       "(b) Issuance. — If mixed beverages sales have been approved for an establishment  
9 under G.S. 18B-603(d1) or under G.S. 18B-603(e), or for an establishment located in a  
10 township in which mixed beverages have been approved the purchase-transportation  
11 permit for that establishment may be issued by the local board of any city located in the  
12 same county as the establishment, provided the city has approved the sale of mixed  
13 beverages. Otherwise a licensed establishment may obtain a mixed beverages  
14 purchase-transportation permit only from the local board for the jurisdiction in which it  
15 is located. If there is no ABC store within the establishment's jurisdiction, then the  
16 mixed beverages permittee shall obtain a mixed beverages purchase-transportation  
17 permit from the nearest and most convenient ABC store."

18               **SECTION 4.** This act is effective when it becomes law.