



# SENATE BILL 124: Small Town Mixed Beverage Election Reqs.

2019-2020 General Assembly

**Committee:** House Alcoholic Beverage Control  
**Introduced by:** Sen. J. Alexander  
**Analysis of:** First Edition

**Date:** July 23, 2019  
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Staff Attorney

**OVERVIEW:** *Senate Bill 124 would authorize additional small towns to hold mixed beverage elections.*

**CURRENT LAW:** Mixed Beverage Elections are elections to approve the sale of mixed beverages in a specific jurisdiction, as authorized by jurisdiction:

Counties. – A county may hold a mixed beverage election only if the county already operates at least one county ABC store or a county election on ABC stores is to be held at the same time as the mixed beverage election.

Cities. – A city may hold a mixed beverage election if the city has at least 500 registered voters.

Small City Mixed Beverage Elections. – A city may hold a mixed beverage election if all of the following criteria are met:

- The city has at least 300 registered voters.
- The city is located in a county with at least one other city that has approved the sale of mixed beverages.
- This city is not in any of the following counties: Alamance, Avery, Burke, Caldwell, Carteret, Cleveland, Henderson, Onslow, Polk, Robeson, Rowan, Rutherford, and Wilkes Counties.

Small Town Mixed Beverage Elections. – A city may hold a mixed beverage election if all of the following criteria are met:

- The city has at least 200 registered voters.
- The city is located in a county bordering the Neuse River and Pamlico Sound that has not approved the sale of mixed beverages.
- The city is located in a county that has only one city that has approved the sale of mixed beverages.

Small Resort Town ABC Elections. – A city may hold a mixed beverage election if all of the following criteria are met:

- The city was incorporated between 1990 and June 1, 1995.
- The city has at least 100 residents.
- The city is located in a county that borders another state and that has two other municipalities which have ABC stores.
- At the time of the election, the city has corporate boundaries that border or include land in three counties.

Ski Resorts. – Any city that provides governmental services to as many as 1,000 snow skiers weekly during the normal ski season from December 1 through March 15, may hold a mixed beverage election.

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This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

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Multicounty/City ABC Elections. – If a city is located in two or more counties, the city may hold a mixed beverage election if all of the following criteria are met:

- The city has at least 500 registered voters.
- A county in which a portion of the city is located operates ABC stores, or a municipality in either county in which the city is located operates an ABC store.

Townships. – A mixed beverage election may be held within a township if either of the following criteria are met:

- The township is located in a county where ABC stores have been established by petition pursuant to law.
- The township is located in 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 \$400,000,000 per year, and where the entirety of two townships consists of one island 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.

Beautification District Elections. — A mixed beverage election may be held in a beautification district if all of the following criteria are met:

- The beautification district is in a county where ABC stores have been approved by an election.
- The beautification district was created between May 1984, and June 30, 1990.

**BILL ANALYSIS:** The bill would add an additional option authorizing a small town to hold a mixed beverage election if all of the following criteria are met:

- The town has at least 200 registered voters.
- The town has a total area of less than one square mile.
- The town operates an ABC store.
- The town is located in a county that has at least three cities that have approved the sale of mixed beverages.

**EFFECTIVE DATE:** Effective when it becomes law.

*\*Erika Churchill, Staff Attorney, substantially contributed to this summary.*