

THE ARKANSAS ALCOHOLIC BEVERAGE AMENDMENT

ISSUE NUMBER 4

(Proposed by Petition of the People – 2014)

POPULAR NAME: The Arkansas Alcoholic Beverage Amendment

BALLOT TITLE: A proposed amendment to the Arkansas Constitution to provide that, effective July 1, 2015, the manufacture, sale, distribution and transportation of intoxicating liquors is lawful within the entire geographic area of each and every county of this state; that “intoxicating liquors” is defined for purposes of the amendment as any beverage containing more than one-half of one percent (0.5%) of alcohol by weight; that the manufacture, sale, distribution and transportation of intoxicating liquors may be regulated, but not prohibited, by the General Assembly; and that all laws which conflict with the amendment, including laws providing for a local option election (wet-dry election) to determine whether intoxicating liquors may be sold or not sold, are repealed to the extent that they conflict with the amendment.

What is being proposed?

Issue 4 would change the Arkansas Constitution to make the sale, manufacture, distribution and transportation of alcohol legal statewide. It would end the practice of local elections on alcohol sales, a process commonly called “wet” or “dry” elections. State legislators would continue to have the ability to regulate the sale, distribution and transportation of alcohol, but could not prohibit it.

Why is this issue on the ballot?

Sponsors want to make the sale of alcohol legal in dry counties but said the number of signatures to put the issue on the ballot at the local level is difficult to collect. Arkansas election law makes it easier to put the issue of alcohol sales up for a statewide vote than to have elections county by county on the matter. A statewide election on any constitutional amendment requires signatures representing 10 percent of the people who voted in the last election for governor,

whereas a local election on a county’s alcohol status requires signatures from 38 percent of registered voters in that county.

How did this issue make it to the ballot?

This proposed amendment is the result of a citizen’s initiative campaign, which was required to submit at least 78,133 signatures to qualify for placement on the ballot. The number of required signatures is determined by state law, which requires signatures equaling at least 10 percent of the number of people who voted in the last governor’s election.

GENERAL QUESTIONS

What is a “wet” county?

A “wet” county is one where the making and selling of alcohol is allowed. However, the majority of Arkansas’ “wet” counties do have areas where alcohol sales are prohibited.

What is a “dry” county?

A “dry” county is where voters have decided that the making and selling of alcohol is not allowed. However, some “dry” counties do have restaurants that sell alcohol. State law allows alcohol to be sold for on-site consumption at certain businesses and nonprofit clubs, or “private clubs,” that exist for a purpose other than just selling alcohol.

What is the history of Arkansas’ local-option law?

Arkansas has a long history of laws regarding alcohol. After the 1933 repeal of a U.S. Constitutional Amendment banning alcohol sales, all of Arkansas was considered “wet,” in that alcohol sales were once again legal everywhere. In 1935, legislators passed a state law establishing rules for local elections on alcohol sales. At least 35 percent of a county’s registered voters had to sign a petition in order to have a local election on alcohol sales. However, in a 1942 statewide election, voters changed the signature requirement for alcohol petitions to 15 percent. This relaxed requirement allowed numerous “wet” communities to vote themselves “dry.” Recognizing that alcohol sales remained a divisive issue, legislators in 1985 increased the signature requirement percentage to 30 percent, and again to 38 percent in 1993. The higher number of signatures required meant that counties would have a more difficult time changing their status.

What does “intoxicating liquors” mean?

“Intoxicating liquors” is another way to describe beer, liquor and wine.

How would tax revenue and jobs be affected by this amendment?

There would likely be a shift of some local tax revenue and alcohol-related jobs from “wet” to “dry” counties.

If the amendment passes, how many “dry” counties would be affected?

According to Arkansas’ Alcoholic Beverage Control Division, 37 of Arkansas’ 75 counties are “dry” and do not allow alcohol sales in stores. In addition to the “dry” counties, 26 of Arkansas’ 38 “wet” counties have townships or cities within their borders that do not allow the sale of alcohol. Those counties are underlined in the map.

If voters approved this amendment, how would alcohol sales be regulated in formerly dry counties?

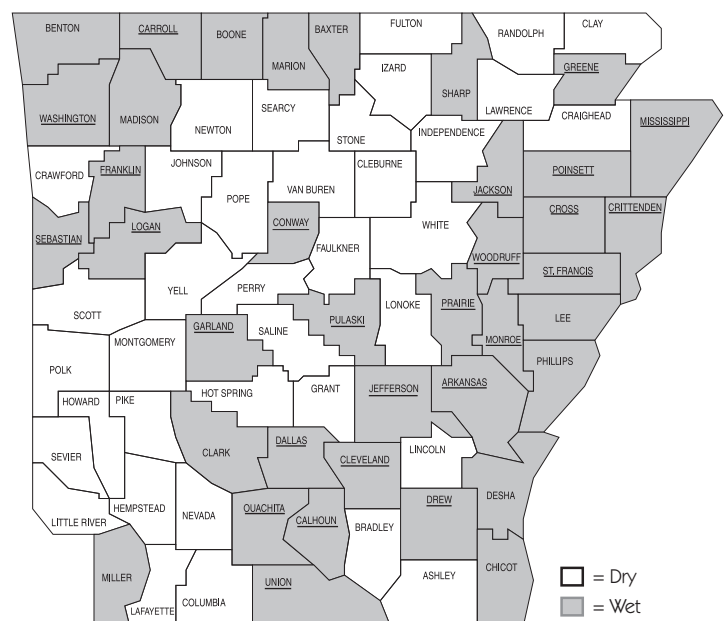
Alcohol sales would be regulated by the Arkansas Alcoholic Beverage Control Division. This state agency oversees the permit application process that a business must go through in order to sell or manufacture alcohol. The permit application process includes a 30-day public comment period, and division employees notify local officials about applications.

It is not known how the amendment would affect existing regulations. Current state law allows one liquor store per 5,000 people in a county. A liquor store, which sells all types of alcohol, cannot be located within 1,000 feet of a church or school building. There is no distance requirement or limit on stores selling only beer and small farm wine. Cities and counties do have the ability to limit store hours and pass zoning laws that could affect where in a city or county alcohol is sold.

If voters approve Issue 4, can a community vote itself “dry” at a later time?

No. If voters approve Issue 4, a community could not hold a local election to vote itself “dry.” The state law allowing for local votes on the wet-dry issue would be repealed. However, voters could propose a new constitutional amendment at a later date.

Arkansas’ “Wet” and “Dry” Counties as of 2014



Counties that are underlined are “wet” but have “dry” areas.
Source: Arkansas Alcoholic Beverage Control Division

In addition to Issue 4, some counties are having a local election on Nov. 4 regarding alcohol sales. How does this affect local alcohol sales elections this year?

If Issue 4 passes, alcohol sales would become legal regardless of the outcome of the local ballot issue. The proposed constitutional amendment would repeal the process for local elections on alcohol sales.

The following statements are what supporters and opponents have made public either in media statements, campaign literature, on websites or in interviews with Public Policy Center staff. The University of Arkansas System Division of Agriculture does not endorse or validate these statements.

What do supporters say?

- The amendment would make alcohol regulations the same for all 75 Arkansas counties.
- Allowing sales in previously dry counties would result in new jobs and additional revenue for those cities and counties.
- People would not have to drive as far to buy alcohol, which could reduce the risk of drunk-driving accidents.

What do opponents say?

- The amendment would take away a local community's ability to decide the issue of alcohol sales.
- If passed, this amendment would create a dangerous situation of liquor sales being legal within 1,000 feet of a school, day care or church.
- Alcohol has numerous negative health and social effects. Alcohol use contributes to heart and liver damage, car crashes and crime.

If passed, when would the legislation take effect?

If approved, the legislation would go into effect July 1, 2015.

What does a "FOR" vote mean?

A **FOR** vote means you want to make the manufacture, sale, distribution and transportation of alcohol legal statewide.

What does an "AGAINST" vote mean?

An **AGAINST** vote means you do not want to make the manufacture, sale, distribution and transportation of alcohol legal statewide.

Where can I find more information?

For additional information, please visit the University of Arkansas System Division of Agriculture's Public Policy Center website at www.uaex.edu/ppc or contact your county Cooperative Extension Service office.

Voter registration information and election information can be obtained through the Arkansas Secretary of State's office by calling 501-682-1010 or visiting www.sos.arkansas.gov.

Exercising your voting privilege.

We live in a democratic society where voting is a privilege of citizenship. Democracy works best when informed citizens exercise their voting privilege. Please vote.

The deadline to register to vote in the general election is Oct. 6, 2014.

Early voting begins Oct. 20, 2014. Election day is Nov. 4, 2014.

Absentee ballots can be requested from county clerk offices beginning Sept. 19, 2014.

The following is the proposed constitutional amendment as it will appear on the state's November general election ballot.

CONSTITUTIONAL AMENDMENT PROPOSED BY PETITION OF THE PEOPLE

Issue No. 4 (Popular Name)

THE ARKANSAS ALCOHOLIC BEVERAGE AMENDMENT

(Ballot Title)

A PROPOSED AMENDMENT TO THE ARKANSAS CONSTITUTION TO PROVIDE THAT, EFFECTIVE JULY 1, 2015, THE MANUFACTURE, SALE, DISTRIBUTION AND TRANSPORTATION OF INTOXICATING LIQUORS IS LAWFUL WITHIN THE ENTIRE GEOGRAPHIC AREA OF EACH AND EVERY

COUNTY OF THIS STATE; THAT "INTOXICATING LIQUORS" IS DEFINED FOR PURPOSES OF THE AMENDMENT AS ANY BEVERAGE CONTAINING MORE THAN ONE-HALF OF ONE PERCENT (0.5%) OF ALCOHOL BY WEIGHT; THAT THE MANUFACTURE, SALE, DISTRIBUTION AND TRANSPORTATION OF INTOXICATING LIQUORS MAY BE REGULATED, BUT NOT PROHIBITED, BY THE GENERAL ASSEMBLY; AND THAT ALL LAWS WHICH CONFLICT WITH THE AMENDMENT,

INCLUDING LAWS PROVIDING FOR A LOCAL OPTION ELECTION (WET-DRY ELECTION) TO DETERMINE WHETHER INTOXICATING LIQUORS MAY BE SOLD OR NOT SOLD, ARE REPEALED TO THE EXTENT THAT THEY CONFLICT WITH THE AMENDMENT.



FOR



AGAINST

The Public Policy Center is evaluating its ballot education program and invites you to participate in the evaluation by completing a survey available at https://uaex.co1.qualtrics.com/SE/?SID=SV_3vAqtmkFseCCLPL. This link is case sensitive, so please enter the weblink as it appears. Your participation is voluntary and anonymous. You will not be asked how you intend to vote. If you have any questions about this survey, please contact Kristin Higgins at 501-671-2160.

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