

Reported Recommending
Ind. Postponed
Passed Senate
Failed to Pass Senate
Passed House
Failed to Pass House

Senate File 222

February 7, 1947.
Passed on File.

By ZASTROW, MILLER, J. F., FOSTER,
AUGUSTINE, FISHBAUGH,
HAWKINS.

A BILL FOR

An Act to amend chapter one hundred twenty-three (123), Code of Iowa, 1946, relating to liquor control, extending the prohibitions thereof to certain territory and providing for petitions and elections in all political subdivisions for the purpose of determining and defining such territory.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Chapter one hundred twenty-three (123), Code
2 of Iowa, 1946, is hereby amended by adding immediately follow-
3 ing section one hundred twenty-three point three (123.3), the
4 following sections, to-wit:

5 1. Notwithstanding the provisions of section one hundred
6 twenty-three point three (123.3), or of any other section or
7 sections of this chapter, it shall be unlawful to manufacture
8 for sale, sell, offer or keep for sale, possess and/or trans-
9 port vinous, fermented, spirituous, or alcoholic liquor except
10 beer as defined in chapter 124, or as the same may hereafter
11 be amended for any purpose whatsoever, in any township, county,
12 incorporated town or city, including cities under special charter
13 and those under the commission form of government, in which a
14 majority of the votes cast at an election held therein opposes

15 the sale, or manufacture for sale, of vinous, fermented, spirit-
16 uous, or alcoholic liquor therein as hereinafter provided.

17 2. Such election shall be called and held in such subdivi-
18 sion when there is addressed to the body authorized by law to
19 call, provide for, and hold elections therefor:

20 (a) A petition to such body that there be submitted to the
21 electors of such subdivision at the next general election in the
22 manner provided by law the proposal: "Shall vinous, fermented,
23 spirituous or alcoholic liquor be sold or manufactured for sale,
24 in (describing the subdivision)?"

25 (b) Such petition shall be signed by at least twenty-five
26 per cent of the electors who voted at the last general election
27 preceding the filing of such petition; and such petition may
28 consist of the aggregate of a number of separate petitions, which,
29 however, when filed shall constitute the petition herein referred
30 to.

31 (c) Such petition shall be filed with the city or town
32 clerk if the election is asked for in a city or town, or with
33 the county auditor if it is asked for in a township or county,
34 at least sixty (60) days prior to the date of the next succeed-
35 ing general election as the case may be.

36 3. Upon filing of such petition the city or town council
37 or board of supervisors, as the case may be, shall proceed at
38 once to canvass the same and complete such canvass and enter of
39 record in its proceedings its finding as to the sufficiency or
40 insufficiency of such petition within fifteen (15) days after

41 filing the same.

42 4. If such petition is sufficient such council or board
43 of supervisors, as the case may be, shall forthwith order and
44 provide by proper procedure for the holding of such election
45 and furnish the ballots therefor.

46 5. Such ballot shall contain the following proposition:
47 "Shall vinous, fermented, spirituous or alcoholic liquor be
48 sold or manufactured for sale, in (describing the subdivision)?"

49 6. Opposite and to the right of such proposal as it appears
50 upon the ballot shall be placed two squares one above the other,
51 and to the left of the upper square shall be printed the word
52 "Yes", and to the left of the lower square the word "No", and in
53 casting his vote upon such proposal the voter favoring such pro-
54 position shall place a cross in the square opposite the word
55 "Yes" and the voter opposed to such proposition shall place a
56 cross in the square opposite the word "No".

57 7. The board of supervisors or council as the case may be
58 shall promptly appropriate and provide funds to meet the expenses
59 of such election.

60 8. The ballots cast on said proposal at such election shall
61 be counted and the results certified as required by the laws
62 applicable to such general election, and the ballots at once
63 returned to such clerk or auditor, as the case may be, who shall
64 canvass same and certify the result, and make a permanent record
65 thereof in his office, which certificate and record shall be
66 completed within thirty (30) days after such election.

67 9. If a majority of the votes cast on said proposal at
68 such election opposes the sale, or manufacture for sale, of
69 vinous, fermented, spirituous or alcoholic liquor in such sub-
70 division, all licenses or permits or other authority including
71 that for state liquor stores and special distributors, for the
72 handling, purchasing, sale, or manufacture for sale, of such
73 liquors therein shall be without force after ninety (90) days
74 from the date of such election; and thereafter it shall be un-
75 lawful to manufacture for sale, sell, offer, possess or keep
76 for sale, such liquor therein, notwithstanding any other pro-
77 visions of this chapter; and all the prohibitions of this chapter
78 shall fully apply in said territory, except as provided in section
79 one hundred twenty-three point four (123.4) and that portion of
80 section one hundred twenty-three point twenty-seven (123.27)
81 which relates to special permits.

82 10. No such election shall be held in and by and for such
83 a subdivision oftener than once in two years, and then only at
84 regular general election dates; and if at any such subsequent
85 election the majority of the votes cast on said proposal favors
86 such subdivision being territory in which such liquor may be
87 sold or manufactured for sale, ninety days after the date of such
88 election the provisions of this chapter shall again prevail per-
89 mitting the handling and sale of liquor in such subdivision.