



STATE OF ARKANSAS  
ATTORNEY GENERAL  
LESLIE RUTLEDGE

Opinion No. 2016-022

March 18, 2016

David A. Couch  
Attorney at Law  
1501 North University, Suite 228  
Little Rock, AR 72207

Dear Mr. Couch:

I am writing in response to your request for certification, pursuant to Ark. Code Ann. § 7-9-107 (Supp. 2015), of the popular name and ballot title for a proposed initiated act.

**At the outset, I wish to make clear to you that the decision to certify or reject a popular name and ballot title is in no way a reflection of my view of the merits of a particular proposal. I am not authorized to, and do not consider the merits of the measure when making my determination to certify or reject a popular name and ballot title.**

The Attorney General is required, pursuant to Ark. Code Ann. § 7-9-107, to certify the popular name and ballot title of all proposed initiative and referendum acts or amendments before the petitions are circulated for signature. The law provides that the Attorney General *may, if practicable*, substitute and certify a more suitable and correct popular name and ballot title. Or, if the proposed popular name and ballot title are sufficiently misleading, the Attorney General may reject the entire petition.

Section 7-9-107 neither requires nor authorizes this office to make legal determinations concerning the merits of the act or amendment, or concerning the likelihood that it will accomplish its stated objective. In addition, consistent with Arkansas Supreme Court precedent, unless the measure is "clearly contrary to

law,”<sup>1</sup> this office will not require that a measure’s proponents acknowledge in the ballot title any possible constitutional infirmities.<sup>2</sup> Consequently, this review has been limited primarily to a determination, pursuant to the guidelines that have been set forth by the Arkansas Supreme Court, discussed below, of whether the popular name and ballot title you have submitted accurately and impartially summarize the provisions of your proposed act.

The purpose of my review and certification is to ensure that the popular name and ballot title honestly, intelligibly, and fairly set forth the purpose of the proposed act.<sup>3</sup>

## REQUEST

**You have requested certification, pursuant to Ark. Code Ann. § 7-9-107, of the following popular name and ballot title for a proposed act:**

### Popular Name

The On Premise Local Option Election Alcohol Act

### Ballot Title

An act to allow a dry county or city of the first class within the dry county to conduct an election to permit the on premise sale and consumption of alcoholic beverages upon the petition of fifteen percent (15%) of the qualified electors residing within the boundries [*sic*] of the dry county or city of the first class within the dry county; providing that on premise sale and consumption is allowed only at a hotel, restaurant, microbrewery-restaurant or festival; providing that a microbrewery-restaurant may manufacture [*sic*] beer, malt beverage

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<sup>1</sup> See *Kurrus v. Priest*, 342 Ark. 434, 445, 29 S.W.3d 669, 675 (2000); *Donovan v. Priest*, 326 Ark. 353, 359, 931 S.W.2d 119, 121 (1996); *Plugge v. McCuen*, 310 Ark. 654, 841 S.W.2d 139 (1992).

<sup>2</sup> As part of my review, however, I may address constitutional concerns for consideration by the measure’s proponents.

<sup>3</sup> See *Arkansas Women’s Political Caucus v. Riviere*, 283 Ark. 463, 466, 677 S.W.2d 846 (1984).

or hard cider; defining hotel, restaurant, microbrewery [*sic*]-restaurant, festival and other terms; and providing that no sales for off premise consumption is allowed.

## RESPONSE

The popular name is primarily a useful legislative device.<sup>4</sup> It need not contain detailed information or include exceptions that might be required of a ballot title, but it must not be misleading or give partisan coloring to the merit of the proposal.<sup>5</sup> The popular name is to be considered together with the ballot title in determining the ballot title's sufficiency.<sup>6</sup>

The ballot title must include an impartial summary of the proposed amendment or act that will give the voter a fair understanding of the issues presented.<sup>7</sup> According to the Court, if information omitted from the ballot title is an "essential fact which would give the voter serious ground for reflection, it must be disclosed."<sup>8</sup> At the same time, however, a ballot title must be brief and concise;<sup>9</sup> otherwise voters could run afoul of Ark. Code Ann. § 7-5-309's five-minute limit in voting booths when other voters are waiting in line.<sup>10</sup> The ballot title is not required to be perfect, nor is it reasonable to expect the title to cover or anticipate every possible legal argument the proposed measure might evoke.<sup>11</sup> The title, however, must be "free of any misleading tendency whether by amplification, omission, or fallacy, and it

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<sup>4</sup> *Pafford v. Hall*, 217 Ark. 734, 739, 233 S.W.2d 72, 75 (1950).

<sup>5</sup> *E.g.*, *Chaney v. Bryant*, 259 Ark. 294, 297, 532 S.W.2d 741, 743 (1976); *Moore v. Hall*, 229 Ark. 411, 316 S.W.2d 207 (1958). For a better understanding of the term "partisan coloring," see *infra* at note 12.

<sup>6</sup> *May v. Daniels*, 359 Ark. 100, 105, 194 S.W.3d 771, 776 (2004).

<sup>7</sup> *Becker v. Riviere*, 270 Ark. 219, 226, 604 S.W.2d 555, 558 (1980) (internal citations omitted).

<sup>8</sup> *Bailey v. McCuen*, 318 Ark. 277, 285, 884 S.W.2d 938, 942 (1994).

<sup>9</sup> *See* Ark. Code Ann. § 7-9-107(b).

<sup>10</sup> *Bailey* at 284, 884 S.W.2d at 944.

<sup>11</sup> *Id.* at 293, 844 S.W.2d at 946-47.

must not be tinged with partisan coloring.”<sup>12</sup> The ballot title must be honest and impartial,<sup>13</sup> and it must convey an intelligible idea of the scope and significance of a proposed change in the law.<sup>14</sup>

Furthermore, the Court has confirmed that a proposed measure cannot be approved if the text of the proposal itself contributes to confusion and disconnect between the language in the popular name and the ballot title and the language in the proposed measure.<sup>15</sup> The Court has concluded that “internal inconsistencies would inevitably lead to confusion in drafting a popular name and ballot title and to confusion in the ballot title itself.”<sup>16</sup> Where the effects of a proposed measure on current law are unclear or ambiguous, it is impossible for me to perform my statutory duty to the satisfaction of the Arkansas Supreme Court without (1) clarification or removal of the ambiguities in the proposed initiated act itself, and (2) conformance of the popular name and ballot title to the newly worded proposal.

It is my opinion, based on the above precepts, that a number of additions or changes to your ballot title are necessary in order to more fully and correctly summarize your proposal. I cannot, however, at this time, fairly or completely summarize the effect of your proposed measure to the electorate in a popular name or ballot title without the resolution of the ambiguities in the text of your proposed act itself. And thus I cannot determine precisely what changes to the ballot title are necessary to fully and correctly summarize your proposal. It is therefore not appropriate, in my opinion, for me to try to substitute and certify a more suitable and correct popular name and ballot title pursuant to Ark. Code Ann. § 7-9-107(b).

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<sup>12</sup> *Id.* at 284, 884 S.W.2d at 942. Language “tinged with partisan coloring” has been identified by the Arkansas Supreme Court as language that “creates a fatally misleading tendency” (*Crochet v. Priest*, 326 Ark. 338, 347, 931 S.W.2d 128, 133 (1996)) or that “gives the voter only the impression that the proponents of the proposed amendment wish to convey of the activity represented by the words.” (*Christian Civic Action Committee v. McCuen*, 318 Ark. 241, 249, 884 S.W.2d 605, 610 (1994)).

<sup>13</sup> *Becker v. McCuen*, 303 Ark. 482, 489, 798 S.W.2d 71, 74 (1990).

<sup>14</sup> *Christian Civic Action Committee*, 318 Ark. at 245, 884 S.W.2d at 607 (internal quotations omitted).

<sup>15</sup> *Cf. Roberts v. Priest*, 341 Ark. 813, 825, 20 S.W.3d 376, 382 (2000).

<sup>16</sup> *Id.*

Instead, you may, if you wish, redesign the proposed measure and ballot title, and then resubmit for certification. In order to aid your redesign, I highlight below the more concerning ambiguities in the *text* of your proposed act.

1. The subdivision of your proposal entitled Election Results – Effects authorizes the Director of the Alcoholic Beverage Control Division (Director) to “issue permits for festivals; for hotels or restaurants; and for microbrewery-restaurants” in the event there is a majority vote in favor of sales for on-premises consumption. Your last submission in this regard referred to several Arkansas Code sections in connection with this permitting authority.<sup>17</sup> Those references are not included in the current submission.<sup>18</sup> The procedures and guidelines applicable to the Director’s issuance of these permits are undoubtedly significant matters for a voter’s consideration. But these significant points cannot be accurately summarized for the voters in a ballot title without clarification regarding what other laws or regulations apply to the provisions of your proposed act.
2. The definitional subdivision of the proposed act defines “microbrewery-restaurant” as “an establishment licensed pursuant to 3-5-1204(a)...” Section 3-5-1204 is a section of the Arkansas Code that authorizes the Director to issue microbrewery-restaurant licenses, and it further defines the scope of such licenses.<sup>19</sup> Your proposal thus does include some guidelines regarding the microbrewery-restaurant licenses it authorizes. But I believe ambiguity remains regarding the applicability of other laws or regulations. Defining a microbrewery-restaurant as “an establishment licensed pursuant to 3-5-1204(a)” does not clearly indicate whether the current subchapter governing the licensing of microbrewery-restaurants

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<sup>17</sup> I commented in my opinion addressing this previous submission that the Code section cited in connection with permits for festivals does not mention “festivals,” and that this contributed to uncertainty under the previous proposal as to the permitting process for an event constituting a “festival.” I take it this comment led to the deletion of that Code section, but I cannot discern the basis for deleting the other Code references is connection with the Director’s permitting authority under your measure.

<sup>18</sup> But see discussion below regarding microbrewery-restaurant licenses.

<sup>19</sup> Ark. Code Ann. § 3-5-1204(a) (Supp. 2015).

(Arkansas Code Title 3, Chapter 5, subchapter 1201 *et seq.*) will otherwise govern those establishments licensed pursuant to the proposed act.<sup>20</sup>

3. The subdivision entitled Conduct of Election states that the form of the ballot title shall be substantially as follows: “TO DETERMINE WHETHER OR NOT ALCOHOLIC BEVERAGES MAY BE SOLD FOR ON-PREMISES CONSUMPTION AT A HOTEL, RESTAURANT, MICROBREWERY RESTURANT, [sic] OR FESTIVAL AND TO ALLOW THE MANUFACTURE OF BEER, MALT BEVERAGE OR HARD CIDER AT A MICROBREWERY RESTAURANT, AS AUTHORIZED BY ARKANSAS LAW...” (Emphasis added).

The emphasized phrase “AS AUTHORIZED BY ARKANSAS LAW” will indicate to the voter that if a majority votes “FOR,” then the current law regarding sales for on-premises consumption (at these locations), and manufacturing by microbrewery-restaurants, will be applicable. However, the application of other law is not clear from the text of the proposed measure. There is no clear indication whether the current subchapters governing sales for on-premises consumption at hotels and restaurants (found at Ark. Code Ann. § 3-9-201 *et seq.*), microbrewery-restaurants (Ark. Code Ann. § 3-5-1201 *et seq.*), and festivals (Ark. Code Ann. § 3-5-105), apply to the provisions of your proposed act.<sup>21</sup>

4. The subdivision entitled Construction declares that the act “shall be *cumulative to the liquor laws now in force in this state.*” (Emphasis added). I realize, as I indicated in an opinion regarding a previous version of this proposed act (Att’y Gen. Op. No. 2016-009), that the inclusion of this declaration may reflect an effort to signal the applicability of current laws regulating on-premises consumption (at the specified locations) and manufacture by microbrewery-restaurants. But it does not clearly follow simply from the declaration that “the act shall be cumulative” that the requirements of the proposed act include and are subject to the

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<sup>20</sup> *E.g.*, Ark. Code Ann. §§ 3-5-1205 (Supp. 2015) (regarding fees and taxes) and 3-5-1208 (Repl. 2008) (authorizing the Director and other agencies to “promulgate and adopt regulations as they deem necessary for the implementation of this subchapter....”)

<sup>21</sup> With regard, specifically, to festival permits currently governed by Ark. Code Ann. § 3-5-105, I note that these permits may only be issued to charitable or nonprofit organizations, and are currently further limited to beer and malt beverages. This raises additional uncertainty as to the applicable “Arkansas law” referenced in the ballot title form under your proposal, and contributes to the difficulty in summarizing—in a ballot title—the scope and significance of the measure.

requirements of current law. This is because, as stated by the Arkansas Supreme Court, “there is more than one interpretation of the term ‘cumulative.’”<sup>22</sup> The word can signify that two things are to apply at the same time, so that what was previously in place is not repealed.<sup>23</sup> Or it can mean a combination, so that two things are merged into one.<sup>24</sup> I must therefore reiterate my earlier admonition that this declaration offers no clear guidance concerning the applicability of other laws or regulations to the provisions of the proposed act, should the measure become law.<sup>25</sup> Without some clear indication in the proposed act’s text regarding the application of existing laws and regulations, this important aspect of the measure cannot be accurately summarized in a ballot title.

5. The subdivision entitled Local Option Election – Dry County On-premises now states, under subsection (a)(1), that a dry county or first class city within a dry county “shall conduct an election.” The subsection previously stated that such a county or city “may conduct an election.” I take it this change was in response to the ambiguity noted in Attorney General Opinion 2016-015 regarding the mandatory/discretionary nature of the local option election under the proposed act.<sup>26</sup> But in my opinion, the “shall conduct” language in this subsection (a)(1) is confusing and generates some uncertainty.

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<sup>22</sup> *City of Fort Smith v. Carter*, 364 Ark. 100, 109, 216 S.W.3d 594, 600 (2005). The Court quoted definitions of “cumulative” from three sources, and then observed: “Suffice it to say that the term ‘cumulative’ is subject to more than one reasonable interpretation.” *Id.* at n.3.

<sup>23</sup> See, e.g., *Larey v. Wolfe*, 242 Ark. 715, 416 S.W.2d 266 (1967); Ark. Code Ann. § 3-5-301 (Repl. 2008) (“The subchapter *shall not be construed to repeal* any other laws regulating the sale of beer, but shall be construed as *cumulative thereto*.” Emphasis added.).

<sup>24</sup> *City of Fort Smith*, 364 Ark. at 109, n. 3.

<sup>25</sup> Compare Ark. Code Ann. § 3-5-1203 (Supp. 2015) (providing that “[e]very provision of this subchapter [regarding microbrewery-restaurants] shall be subject to all beer, malt beverage, and hard cider laws and regulations, except that conflicting beer, malt beverage, and hard cider laws and regulations shall be inapplicable to any provision of this subchapter to the extent that they conflict herewith.”); Ark. Code Ann. § 3-5-1404 (Supp. 2015) (part of the Arkansas Small Brewery Act, providing that “[e]very provision of this subchapter is subject to all beer, malt beverage, and hard cider laws and regulations not in conflict with the provisions of this subchapter.”).

<sup>26</sup> Op. Att’y Gen. 2015-015 at pp. 7-8.

The previous ambiguity arose because it was unclear from the text of the previous proposal whether an election would necessarily be held if the requisite number of signatures was obtained on a petition. You have now added language to subsection (b) concerning the petition (under Local Option Election – Dry County On-premises) that makes it clear “the question shall be placed on the ballot in the county or city” if the petition is sufficient. But the requirement in subsection (a)(1) that a dry county or first class city in a dry county “shall conduct an election” does not directly correlate to the petition of electors addressed in subsection (b). The requirement is therefore confusing in the context of the current proposed act.

## CONCLUSION

The ambiguities noted above are not necessarily all the ambiguities contained in your proposal, but they are sufficiently serious to require me to reject your popular name and ballot title. I am unable to substitute language in a ballot title for your measure due to these ambiguities. Further, additional ambiguities may come to light on review of any revisions of your proposal.

My office, in the certification of ballot titles and popular names, does not address the merits, philosophy, or ideology of proposed measures. I have no constitutional role in the shaping or drafting of such measures. My statutory mandate is embodied only in Ark. Code Ann. § 7-9-107, and my duty is to the electorate.

Based on what has been submitted, my statutory duty is to reject your proposed ballot title for the foregoing reasons and instruct you to redesign the proposed measure and ballot title.<sup>27</sup> You may resubmit your proposed act along with a proposed popular name and ballot title at your convenience.

Sincerely,



LESLIE RUTLEDGE  
Attorney General

Enclosure

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<sup>27</sup> Ark. Code Ann. § 7-9-107(c).

Popular Name

The On Premise Local Option Election Alcohol Act

Ballot Title

AN ACT TO ALLOW A DRY COUNTY OR CITY OF THE FIRST CLASS WITHIN THE DRY COUNTY TO CONDUCT AN ELECTION TO PERMIT THE ON PREMISE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES UPON THE PETITION OF FIFTEEN PERCENT (15%) OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDRIES OF THE DRY COUNTY OR CITY OF THE FIRST CLASS WITHIN THE DRY COUNTY; PROVIDING THAT ON PREMISE SALE AND CONSUMPTION IS ALLOWED ONLY AT A HOTEL, RESTAURANT, MICROBREWERY-RESTAURANT OR FESTIVAL; PROVIDING THAT A MICROBREWERY-RESTAURANT MAY MANUFACTURE BEER, MALT BEVERAGE OR HARD CIDER; DEFINING HOTEL, RESTAURANT, MICROWBREWERY-RESTAURANT, FESTIVAL AND OTHER TERMS; AND PROVIDING THAT NO SALES FOR OFF PREMISE CONSUMPTION IS ALLOWED.

Be it enacted by the people of the State of Arkansas:

Title

This Act shall be known as "The On Premise Local Option Election Alcohol Act."

Definitions

(1) "Beer" means a fermented liquor made from malt or a malt substitute and containing not more than five percent (5%) alcohol by weight.

(2) "Dry" means a county or territorial subdivision that voted to prohibit the manufacture or sale of intoxicating liquor under Initiated Act No. 1 of 1942, as amended, §§ 3-8-201 - 3-8-203 and 3-8-205 -- 3-8-209, or §§ 3-8-302 [repealed], 3-8-303, 3-8-304 [repealed], 3-8-305, and 3-8-306.

(3) "Festival" means an event part of which is held on city or county property or city or county right-of-way, which the general public may attend. Festival includes arts and craft shows, concerts, entertainment activities, exhibitions, rallies, fairs or other similar events as determined by the Director of the Alcoholic Beverage Control Division.

(4) "Hard cider" means liquor brewed from the fermented juices of fruit and containing more than three percent (3%) and not more than twenty-one percent (21%) of alcohol by weight.

(5) "Hotel" means every building or other structure commonly referred to as a hotel, motel, motor hotel, motor lodge, or by similar name, which is kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers or guests, whether transient, permanent, or residential, in which fifty (50) or more rooms are used for the sleeping accommodations of such guests, and having one (1) or more public dining rooms with adequate and sanitary kitchen facilities, and a seating capacity for at least fifty (50) persons, where meals are regularly served to such guests, such sleeping accommodations and dining room being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation.

(6) "Malt beverage" means a liquor brewed from the fermented juices of grain and having an alcoholic content of not less than five percent (5%) and not more than twenty-one percent (21%) of alcohol by weight.

(7) "Microbrewery-Restaurant" For the purposes of this subchapter a microbrewery-restaurant is an establishment licensed pursuant to 3-5-1204(a) except sales directly to the consumer for off premises consumption are prohibited.

(8) "Restaurant" means any public or private place:

(A) (i) That is primarily engaged in the business of serving a meal for consumption on the premises to a guest and has a suitable kitchen facility to serve the entire menu approved by the Alcoholic Beverage Control Division.

(ii) The menu shall contain a selection of food and shall not be limited to sandwiches or salads.

(iii) The kitchen shall:

(a) Have adequate refrigeration to preserve the food on the menu;

(b) Be kept in a sanitary condition; and

(c) Comply with the regulations of the Department of Health; and

(iv) Food from the menu shall be available from opening time until two (2) hours before closing time; or

(B) (i) That qualifies as a "large meeting or attendance facility", which is defined, without limitation, as a facility housing convention center activity, tourism activity, trade show and product display and related meeting activity, or any other similar large meeting or attendance activity and which either itself or through one (1) or more independent contractors complies with all of the following:

(a) Actually serves full and complete meals and food on the premises;

(b) Has one (1) or more places for food service on the premises with a seating capacity for not fewer than five hundred (500) people;

(c) Employs a sufficient number and kind of employees to serve meals and food on the premises capable of handling at least five hundred (500) people; and

(d) Serves alcoholic beverages on the premises at one (1) or more places only on days that meals and food are served at one (1) or more places on the premises.

(9) "Spirituous liquor" means a liquor distilled from the fermented juices of grain, fruits, or vegetables and containing more than twenty-one percent (21%) alcohol by weight or any other liquids containing more than twenty-one percent (21%) alcohol by weight.

(10) "Vinous beverage" means the fermented juices of fruits or a mixture containing the fermented juices of fruits containing more than five percent (5%) and not more than twenty-one percent (21%) alcohol by weight.

#### Local option election – Dry County On-premises

(a) (1) A dry county or a city of the first class within the dry county shall conduct an election to permit the sale of alcoholic beverages for on-premises consumption and the manufacture of beer, malt beverage, or hard cider as prescribed in subdivision (a)(2) of this section.

(2) The sale of alcoholic beverages under this section shall be limited to beer, hard cider, malt beverages, vinous beverages, and spirituous liquor for on-premises consumption at a hotel, restaurant, microbrewery restaurant or festival only, within the boundary limits of the dry county or city of the first class within the dry county that has approved the on-premise sale of alcohol. The manufacture of beer, malt beverage, or

hard cider shall be limited to a microbrewery restaurant within the boundary limits of the dry county or city of the first class within the dry county that has approved the on-premise sale of alcohol. No sales to a consumer for off-premises consumption is allowed under this subchapter.

(b) (1) The petition procedure for a local option election for a dry county or city of the first class within the dry county on-premises election shall be conducted under § 3-8-201 et seq.

(2) Signatures shall be obtained from fifteen percent (15%) of the qualified electors residing within the boundaries of the dry county or city of the first class within the dry county.

(3) When fifteen percent (15%) of the qualified electors have filed petitions with the county clerk under this subdivision (b)(2), the county clerk shall determine within ten (10) days the sufficiency of the petitions under §3-8-205 and if it is found that fifteen percent (15%) of the qualified electors have signed the petition, the county clerk shall certify that finding to the county board of election commissioners, and the question shall be placed on the ballot in the county or city of first class at the next biennial general election as provided in §3-8-101.

#### Conduct of Election

(a) The election process for a local option election under this act shall be conducted pursuant to §3-8-201 et seq.

(b) The ballot title shall be in substantially the following form: "TO DETERMINE WHETHER OR NOT ALCOHOLIC BEVERAGES MAY BE SOLD FOR ON-PREMISES CONSUMPTION AT A HOTEL, RESTAURANT, MICROBREWERY RESTAURANT, OR FESTIVAL AND TO ALLOW THE MANUFACTURE OF BEER, MALT BEVERAGE OR HARD CIDER AT A MICROBREWERY RESTAURANT, AS AUTHORIZED BY ARKANSAS LAW WITHIN (County or city of the first class)".

(c) The ballot shall be in substantially the following form:  
"FOR the Sale of Alcoholic Beverages for on-premises consumption at a hotel, restaurant, microbrewery restaurant, or festival, and the manufacture of beer, malt beverage or hard cider at a microbrewery restaurant as authorized by Arkansas Law.  
"AGAINST the Sale of Alcoholic Beverages for on-premises consumption at a hotel, restaurant, microbrewery restaurant, or festival, and the manufacture of beer, malt beverage or hard cider at a microbrewery restaurant as authorized by Arkansas Law."

(d) A majority vote of the qualified electors residing within the county or a city of the first class within the county shall determine whether or not alcoholic beverages may be sold for on-premises consumption and manufactured under subdivision (a) of this section within the boundaries of the county or city of the first class.

Election Results – Effects

(A) (1) In the event a majority of those voting in an election pursuant to this act shall vote for the sale of alcoholic beverages for on-premise consumption, then it shall be lawful for the Director of the Alcoholic Beverage Control Division to issue permits for festivals; for hotels or restaurants; and for microbrewery-restaurants within the county or within the city of the first class within the county for which the election was held; or

(2) In the event a majority of those voting in an election under this subsection shall vote against the sale for on-premises consumption or manufacture of alcoholic beverages, then it shall be unlawful for the Alcoholic Beverage Control Division to issue licenses or permits for such sale.

(b) A subsequent election under this section shall not be held in the same county or city of the first class within the county until a period of four (4) years has elapsed since the last local option election conducted under this section.

(c) To the extent any of the provisions of this section conflict with §3-8-201 et seq., the provisions of this section control.

Construction

It is expressly declared that this act shall be cumulative to the liquor laws now in force in this state.