

RESOLUTION

A RESOLUTION TO REGULATE AND PROVIDE FOR THE CALLING OF AN ELECTION TO DETERMINE WHETHER THE BOARD OF COMMISSIONERS OF NEWTON COUNTY SHALL BE AUTHORIZED TO ISSUE LICENSES TO ALLOW PACKAGE SALES ON SUNDAYS BY RETAILERS OF PACKAGE MALT BEVERAGES AND WINE AS AUTHORIZED BY ARTICLE 1 OF CHAPTER 3 OF TITLE 3 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED; REQUESTING THE ELECTION SUPERINTENDENT OF NEWTON COUNTY TO CALL AN ELECTION OF THE VOTERS OF NEWTON COUNTY; APPROVING THE FORM OF THE QUESTION ON THE BALLOT TO BE USED IN SUCH ELECTION AND THE NOTICE OF SUCH ELECTION; AND FOR OTHER PURPOSES.

WHEREAS, package sales of malt beverages and wine by retailers are currently lawful in unincorporated Newton County ("County"); and

WHEREAS, sales of malt beverages and wine are currently subject to regulation on Mondays through Saturdays in the County; and

WHEREAS, O.C.G.A. § 3-3-7(p) authorizes the governing authority of a county to allow package sales by retailers of malt beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30 P.M., if such sales are approved by referendum; and

WHEREAS, the Board of Commissioners of Newton County wishes to call a referendum election for the purpose of determining whether or not these powers shall be exercised.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Newton County, Georgia as follows:

Section 1. Call for the Election; Ballot Form; Notice.

(a) The Board of Elections of Newton County is hereby requested to call a referendum election in all voting precincts in the County in conjunction with the general election on the 6th day of November, 2012, for the purpose of submitting to the qualified voters of the County the question set forth in paragraph (b) below.

(b) The ballots to be used in the election shall have written or printed thereon substantially the following:

- | | |
|---------|--|
| () YES | Shall the governing authority of Newton County, Georgia be authorized to permit and regulate package sales by retailers of both malt beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30 P.M.? |
| () NO | |

(c) It is hereby requested that the election be held by the Board of Elections of Newton County in accordance with the election laws of the State of Georgia, including, without limitation, the election laws relating to special elections. It is hereby further requested that the Board of Elections of Newton County canvass the returns, declare the result of the election, and certify the result to the Secretary of State of the State of Georgia.

(d) In accordance with O.C.G.A. §21-2-540, the date of such election shall be and is hereby set as November 6, 2012. The polls of each election district of Newton County shall open at 7:00 a.m. and close at 7:00 p.m. The election shall be held in accordance with the election laws of the State of Georgia. The returns of said election shall be made to the Board and to the Election Superintendent of Newton County, Georgia who shall, in the presence of and together with the several managers of the polls who shall bring up the returns, consolidate the returns and declare the result of the election in the manner required by law.

(e) The Board of Elections of Newton County is hereby authorized and requested to publish a notice of the election as required by law in the official organ of the County, which notice is to be published once a week for two weeks immediately preceding the date of the election. The notice of the election shall be in substantially the form attached hereto as Exhibit A.

Section 2. Effective Date of Sunday Sales. Upon passage of the Sunday package sales referendum and certification to the Georgia Secretary of State, the County shall be authorized to permit and regulate package sales by retailers of malt beverages and wine within the unincorporated County on Sundays between the hours of 12:30 P.M. and 11:30 P.M., to be effective upon the approval of an amendment to the Newton County Alcoholic Beverage Ordinance regulating such sales.

SO RESOLVED this 3rd day of July, 2012.

NEWTON COUNTY, GEORGIA

By: Kathryn G. Morgan
Kathryn G. Morgan, Chairman

Attest: Jackie Smith
Jackie Smith, County Clerk

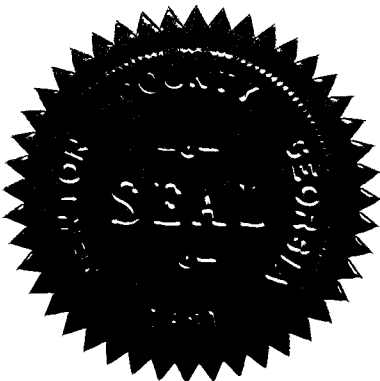


EXHIBIT A

**NOTICE OF CALL FOR SPECIAL ELECTION TO THE QUALIFIED VOTERS OF
NEWTON COUNTY, GEORGIA TO CONSIDER WHETHER THE BOARD OF
COMMISSIONERS OF NEWTON COUNTY SHALL BE AUTHORIZED TO ISSUE
LICENSES TO ALLOW PACKAGE SALES ON SUNDAYS BY RETAILERS OF
PACKAGE MALT BEVERAGES AND WINE**

TO THE QUALIFIED VOTERS OF NEWTON COUNTY:

NOTICE IS HEREBY GIVEN that on the 6th day of November, 2012, an election will be held at the regular polling places in all the election districts of Newton County, Georgia, at which time there will be submitted to the qualified voters of Newton County, Georgia, for their determination, the question of whether the Board of Commissioners of Newton County shall be authorized to issue licenses to allow package sales on Sundays by retailers of package malt beverages and wine as provided in Article 1 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated.

Voters desiring to vote in favor of each question shall do so by voting "Yes" and voters desiring to vote against each question shall do so by voting "No" as to the questions propounded, to wit:

- YES Shall the governing authority of Newton County, Georgia be authorized to permit and regulate package sales by retailers of both malt beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30 P.M.?
- NO

If more than one-half of the votes cast on the question are for approval of Sunday package sales by retailers of malt beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30 P.M., the resolution approving such Sunday package sales by retailers of malt beverages and wine shall become effective upon the approval of an amendment to the Newton County Alcoholic Beverage Ordinance regulating such sales.

The several places for holding said election shall be at the regular and established voting precincts of all of the election districts of Newton County, Georgia, and the polls will be open from 7:00 a.m. to 7:00 p.m. on the date fixed for the election.

Those residents of Newton County, Georgia, qualified to vote at such election shall be determined in all respects in accordance with the election laws of the State of Georgia.

This notice is given pursuant to a resolution of the Board of Commissioners of Newton County, Georgia, adopted on the 3rd day of July, 2012, and a call of election by the Election Superintendent of Newton County.