



January 29, 2010

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## SENATE BILL No. 118

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DIGEST OF SB 118 (Updated January 27, 2010 6:44 pm - DI 110)

**Citations Affected:** IC 3-10; IC 7.1-5.

**Synopsis:** Election day sales. Allows alcoholic beverages to be sold on election days.

**Effective:** July 1, 2010.

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### Alting

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January 5, 2010, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.  
January 28, 2010, reported favorably — Do Pass.

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SB 118—LS 6409/DI 87+



January 29, 2010

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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## SENATE BILL No. 118



A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 3-10-8-4.5, AS AMENDED BY P.L.145-2006,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2010]: Sec. 4.5. Whenever the election division receives a  
4 notice under section 4 of this chapter, the election division shall notify  
5 the following offices and agencies that a special election will be  
6 conducted within all or part of Indiana:

- 7 (1) Each agency serving persons with disabilities and designated
- 8 as a voter registration site under IC 3-7-16.
- 9 (2) Armed forces recruitment offices in accordance with
- 10 procedures established under IC 3-7-17.
- 11 (3) Each agency designated as a voter registration site and subject
- 12 to IC 3-7-18.
- 13 ~~(4) The alcohol and tobacco commission for purposes of~~
- 14 ~~enforcing IC 7.1-5-10-1.~~
- 15 ~~(5) (4) The bureau of motor vehicles for voter registration~~
- 16 ~~purposes under IC 9-24-2.5.~~
- 17 ~~(6) (5) The adjutant general for purposes of enforcing~~

SB 118—LS 6409/DI 87+



- 1 IC 10-16-7-17.
- 2 ~~(7)~~ (6) The division of family resources for voter registration
- 3 purposes under IC 12-14-1.5, IC 12-14-25, and IC 12-15-1.5.
- 4 ~~(8)~~ (7) The state department of health for voter registration
- 5 purposes under IC 16-35-1.6.
- 6 ~~(9)~~ (8) The Federal Voting Assistance Program of the United
- 7 States Department of Defense, for notification of absent
- 8 uniformed services voters and overseas voters.

9 SECTION 2. IC 3-10-8-9 IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) If the special election occurs  
 11 during the period when registration is open under IC 3-7-13, the  
 12 registration period continues through the twenty-ninth day before the  
 13 special election occurs and resumes on the date specified by  
 14 IC 3-7-13-10(d).

15 (b) The election board conducting the special election shall provide  
 16 poll lists for use at the precincts that include the names of voters in the  
 17 precinct who:

- 18 (1) have registered through the twenty-ninth day before the
- 19 special election is to be conducted; or
- 20 (2) are absent uniformed services voters or overseas voters
- 21 registered under IC 3-7-36.

22 (c) This subsection applies when a special election is ordered by a  
 23 court under IC 3-12-8-17 or the state recount commission under  
 24 IC 3-12-11-18. A candidate may not be placed on the special election  
 25 ballot unless the candidate was on the ballot or was a declared write-in  
 26 candidate for the office at the general election preceding the special  
 27 election.

28 ~~(d) The restrictions on the sale of alcoholic beverages set forth in~~  
 29 ~~IC 7.1-5-10-1 apply in each precinct in which the special election is~~  
 30 ~~conducted.~~

31 SECTION 3. IC 7.1-5-10-1, AS AMENDED BY P.L.1-2009,  
 32 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2010]: Sec. 1. (a) Except as provided in subsection (c), it is  
 34 unlawful to sell alcoholic beverages at the following times:

- 35 (1) At a time other than that made lawful by the provisions of
- 36 IC 7.1-3-1-14.
- 37 (2) On Christmas Day and until 7:00 o'clock in the morning,
- 38 prevailing local time, the following day.
- 39 (3) On primary election day, and general election day, from 3:00
- 40 o'clock in the morning, prevailing local time, until the voting polls
- 41 are closed in the evening on these days.
- 42 (4) During a special election under IC 3-10-8-9 (within the

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1           precincts where the special election is being conducted); from  
2           3:00 o'clock in the morning until the voting polls are closed in the  
3           evening on these days.  
4           (b) During the time when the sale of alcoholic beverages is  
5           unlawful, no alcoholic beverages shall be sold, dispensed, given away,  
6           or otherwise disposed of on the licensed premises and the licensed  
7           premises shall remain closed to the extent that the nature of the  
8           business carried on at the premises, as at a hotel or restaurant, permits.  
9           (c) It is lawful for the holder of a valid beer, wine, or liquor  
10          wholesaler's permit to sell to the holder of a valid retailer's or dealer's  
11          permit at any time.

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 118, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 118 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 8, Nays 0.

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