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## Cobb's Sunday alcohol sales vote being challenged



By [Janel Davis](#)

The Atlanta Journal-Constitution

3:31 p.m. Friday, March 16, 2012

Cobb County's Sunday alcohol sales vote is being challenged in court because city residents weren't allowed to vote on the issue.

Marietta attorney Justin O'Dell filed a petition in Cobb Superior Court on Friday asking for a revote.

Voters in unincorporated Cobb approved the Sunday sales referendum by 30,806 votes on March 6. Because the number of affected voters in Cobb's six cities -- about 91,000 -- exceeds the margin of victory, a revote should be granted, O'Dell said.

Cobb's county attorney Dorothy Bishop advised the county's elections director that city residents shouldn't be allowed to vote on the issue, said Commission Chairman Tim Lee.

"[Bishop] believed her position was accurate based on the fact that cities were holding their own

elections, and that citizens should only vote once,” Lee said. “But according to how the [state] law and [county] resolution for the referendum were written, it should have been done countywide.”

Other metro area counties, such as Gwinnett and DeKalb, had their city residents vote on the county referendum, elections officials said.

The deadline to file a challenge petition is five days after the election results are certified. Cobb’s results were certified on Monday.

The board of elections has 10 days to answer the petition, then an outside judge (state statute requires local judges to recuse themselves on local election contests) is appointed and holds a hearing within 20 days of the elections board’s answer, O’Dell said.

It is unknown whether a revote would change the referendum outcome. All of Cobb’s cities have approved Sunday alcohol sales.

“The only remedy available is a revote,” O’Dell said. “In election issues, the outcome is not necessarily as important as everyone having the right to participate.”

If a revote is needed, Lee would like a decision by May 6 to allow time to get the Sunday sales question on the July 31 ballot. If approved again, he would like Sunday sales as soon as possible after the vote.

Whatever the outcome of that issue, Cobb is also likely to get a challenge from alcohol retailers in the county over a possible \$1,000 Sunday sales fee the county is considering charging the businesses.

The annual \$1,000 fee would be on top of the fee already paid by retailers to the county for alcohol licenses. Retailers such as grocery and convenience stores that sell beer and wine pay \$600 for the annual license, while package liquor stores pay \$5,000.

Adding the \$1,000 fee to those retailers would be consistent with the fee Cobb charges businesses, such as restaurants, for selling alcohol by the drink on Sundays, said Rob Hosack, Cobb’s community development director.

But the additional cost would violate state law that caps the fees for each annual alcohol license charged by local governments at \$5,000, said Ed McGill, executive director of the Georgia Alcohol Dealers Association.

“Local governments’ constant attempts to tax local businesses more and more, we think, it ought to be reined in because ultimately it adversely impacts the consumer as well as being anti-business,” he said.

A group of Cobb liquor licensees is looking into the matter, he said.

Lee said his first concern is handling the possible referendum revote, but “whatever our fee is, it will be legal, that’s for sure.”

*Staff writer David Wickert contributed to this article.*

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