

By: Denny

H.B. No. 306

A BILL TO BE ENTITLED

AN ACT

relating to certain local option elections for certain cities located in more than one county.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 251, Alcoholic Beverage Code, is amended by adding Section 251.20 to read as follows:

Sec. 251.20. ELECTION IN CERTAIN CITIES AND TOWNS: BEER AND WINE. (a) This section applies only to an election to permit or prohibit the legal sale of beer and wine in an incorporated city or town that:

(1) is located in two counties:

(A) that each have a population of at least 400,000 but not more than 1.75 million; and

(B) one of which contains a city or town with a population of 400,000 or more; and

(2) has a population of more than 4,800 and less than 9,000.

(b) The ballot in an election under this section shall be prepared to permit voting for or against "The legal sale of beer and wine."

(c) An election under this section shall be conducted by the city or town instead of the county. For purposes of an election conducted under this section, a reference in this code:

(1) to the county is considered to refer to the city or

1 town;

2 (2) to the commissioners court is considered to refer  
3 to the governing body of the city or town;

4 (3) to the county clerk or registrar of voters is  
5 considered to refer to the secretary of the city or town or, if the  
6 city or town does not have a secretary, to the person performing the  
7 functions of a secretary of the city or town; and

8 (4) to the county judge is considered to refer to the  
9 mayor of the city or town or, if the city or town does not have a  
10 mayor, to the presiding officer of the governing body of the city or  
11 town.

12 (d) The city or town shall pay the expense of the election.

13 (e) An action to contest the election under Section 251.55  
14 may be brought in the district court of any county in which the city  
15 or town is located.

16 SECTION 2. This Act takes effect September 1, 2003.