

By: Allen

H.B. No. 2315

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 has a population of less than 150,000; and

(1) is located in three counties:

(A) one of which has a population of more than 2 million but less than 2.5 million; and

(B) one of which has a population of more than 1 million but less than 1.5 million; and

(C) one of which has a population of less than 150,000. (a)

(b) Irrespective of the provisions of Section 251 of the Alcoholic Beverage Code, the petition shall comply with the provisions of Chapter 277 of the Election Code. The governing body of city or town, at its next regular session 30 days after the petition is filed with the secretary of the city or town shall order a local option election to be held on the issue set out in the petition if the petition is filed with the secretary of the city or

1 town not later than 60 days after it is issued and bears the actual  
2 signatures of a number of qualified voters in the city or town equal  
3 to 25 percent of the registered voters in the city or town who voted  
4 in the most recent gubernatorial election.

5 (c) The ballot in an election under this section shall be  
6 prepared to permit voting for or against "The legal sale of beer and  
7 wine for off-premise consumption only."

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

11 (1) to the county is considered to refer to the city or  
12 town;

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

15 (3) to the county clerk or registrar of voters is  
16 considered to refer to the secretary of the city or town; and

17 (4) to the county judge is considered to refer to the  
18 mayor of the city or town.

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

20 (e) an action to contest the election under Section 251.55  
21 may be brought in the district court of any county in which the city  
22 or town is located.

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