

By: Whitmire

S.B. No. 829

A BILL TO BE ENTITLED

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AN ACT

relating to local option elections for the sale of alcoholic beverages.

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

SECTION 1. Section 251.10, Alcoholic Beverage Code, is amended to read as follows:

Section 251.10. VERIFICATION OF PETITION. (a) The registrar of voters of the county shall check the names of the signers of petitions and the voting precincts in which they reside to determine whether the signers of the petition were qualified voters of the county, justice precinct, or incorporated city or town at the time the petition was issued. The petition shall comply with the provisions of Chapter 277 of the Election Code. The registrar shall certify to the commissioners court the number of qualified voters signing the petition.

~~(b) No signature may be counted, either by the registrar or commissioners court, where there is reason to believe that:~~

~~(1) it is not the actual signature of the purported signer,~~

~~(2) the voter registration certificate number is not correct,~~

~~(3) the voter registration certificate number is not in the actual handwriting of the signer,~~

~~(4) it is a duplication either of a name or of~~

1 ~~handwriting used in any other signature on the petition;~~

2 ~~(5) the residence address of the signer is not correct~~
3 ~~or is not in the actual handwriting of the signer; or~~

4 ~~(6) the name of the voter is not signed exactly as it~~
5 ~~appears on the official copy of the current list of registered~~
6 ~~voters for the voting year in which the petition is issued.~~

7 SECTION 2. Section 251.11, Alcoholic Beverage Code, is
8 amended to read as follows:

9 Section 251.11. REQUIREMENTS TO ORDER ELECTION. The
10 ~~(a) Except as provided by Subsection (b), the commissioners court,~~
11 ~~at its next regular session 30 days after the petition is filed,~~
12 ~~shall order a local option election to be held on the issue set out~~
13 ~~in the petition if the petition is filed with the registrar of~~
14 ~~voters not later than 30 days after it is issued if the population~~
15 ~~of the political subdivision is less than 100,000, 60 days after it~~
16 ~~is issued if the population of the political subdivision is between~~
17 ~~100,000 and 200,000 and 90 days after it is issued if the population~~
18 ~~of the political subdivision is over 200,000 and bears ~~in the actual~~~~
19 ~~handwriting of the signers the following:~~

20 ~~(1) the actual signatures of a number of qualified~~
21 ~~voters of the political subdivision equal to 25 ~~35~~ percent of the~~
22 ~~registered voters in the subdivision who voted in the most recent~~
23 ~~gubernatorial election.~~

24 ~~(2) a notation showing the residence address of each~~
25 ~~of the signers; and~~

26 ~~(3) each signer's voter registration certificate~~
27 ~~number.~~

1 ~~(b) A petition for a local option election related to the~~
2 ~~legalization of the sale of mixed beverages only in an~~
3 ~~establishment that holds a food and beverage certificate must have~~
4 ~~the actual signatures, residence addresses, and voter registration~~
5 ~~certificate numbers of a number of qualified voters of the~~
6 ~~political subdivision equal to 25 percent of the registered voters~~
7 ~~in the subdivision. The petition must be filed not later than 30~~
8 ~~days after it is issued.~~

9 SECTION 3. Section 251.18, Alcoholic Beverage Code, is
10 amended to read as follows:

11 Sec. 251.18. ELECTION IN CERTAIN CITIES AND TOWNS.

12 (a) This section applies only to an election to permit or prohibit
13 the legal sale of alcoholic beverages in an incorporated city or
14 town that is located in more than one county. †

15 ~~(1) mixed beverages by a food and beverage certificate~~
16 ~~holder in an incorporated city or town that is located in more than~~
17 ~~one county; or~~

18 ~~(2) beer and wine in an incorporated city or town that~~
19 ~~does not permit beer and wine sales on September 1, 2001, and is~~
20 ~~located in:~~

21 ~~(A) two counties:~~

22 ~~(i) that each have a population of at least~~
23 ~~250,000 but not more than one million; and~~

24 ~~(ii) one of which contains a city or town~~
25 ~~with a population of 125,000 or more; or~~

26 ~~(B) three counties:~~

27 ~~(i) that each have a population of not more~~

1 ~~than 300,000; and~~

2 ~~(ii) one of which contains a city or town~~
3 ~~with a population of 20,000 or more.~~

4 (b) An election to which this section applies shall be
5 conducted by the city or town instead of the county. For the
6 purposes of this section, in this subchapter and Subchapters B and
7 C:

8 (1) a reference to the county is considered to refer to
9 the city or town;

10 (2) a reference to the commissioners court is
11 considered to refer to the governing body of the city or town;

12 (3) a reference to the county clerk or registrar of
13 voters is considered to refer to the secretary of the city or town
14 or, if the city or town does not have a secretary, to the person
15 performing the functions of a secretary of the city or town; and

16 (4) a reference to the county judge is considered to
17 refer to the mayor of the city or town or, if the city or town does
18 not have a mayor, to the presiding officer of the governing body of
19 the city or town.

20 (c) The city or town shall pay the expense of the election.

21 SECTION 4. Section 251.31, Alcoholic Beverage Code, is
22 amended to read as follows:

23 Sec. 251.31. CONFORM TO GENERAL ELECTION LAWS. (a) The
24 officers holding the local option election shall conform to the
25 general laws regulating elections unless otherwise provided in this
26 chapter.

27 (b) The votes shall be counted ~~after the polls are closed~~

1 and the report of the election submitted to the commissioners court
2 within 24 hours after the closing of the polls.

3 SECTION 5. Section 251.35, Alcoholic Beverage Code, is
4 amended to read as follows:

5 Sec. 251.35. APPOINTMENT OF ELECTION JUDGES, CLERKS, AND
6 WATCHERS. (a) ~~Election judges, clerks, and watchers shall be~~
7 ~~qualified voters of the election precinct in which they are named to~~
8 ~~serve.~~

9 ~~(b)~~ Appointment of election judges and clerks shall be in
10 accordance with the general election laws.

11 (b) ~~(c)~~ Election watchers may be appointed in accordance
12 with general law, ~~but they must be qualified voters of the election~~
13 ~~precinct where they serve.~~

14 SECTION 6. Section 251.80, Alcoholic Beverage Code, is
15 amended to read as follows:

16 Sec. 251.80. CHANGE IN ~~PRECINCT~~ BOUNDARIES. (a) Whenever
17 a local option status is once legally put into effect as the result
18 of the vote in a justice precinct, such status shall remain in
19 effect until the status is changed as the result of a vote in the
20 same territory that comprised the precinct when such status was
21 established. If the boundaries of the justice precinct have
22 changed since such status was established, the commissioners court
23 shall, for purposes of a local option election, define the
24 boundaries of the original precinct. A local option election may be
25 held within the territory defined by the commissioners court as
26 constituting such original precinct.

27 (b) In areas annexed by a city, the area annexed may vote to

1 adopt the status of the city annexing the area. The provisions of
2 this chapter relating to an election in an incorporated city shall
3 apply to an election in the annexed area.

4 (c) ~~(b)~~ Nothing in this section is intended to affect the
5 operation of Section 251.73 of this code.

6 (d) ~~(e)~~ The provisions of Section 251.40 of this code
7 relating to the payment of local option election expenses shall
8 apply to elections held in a territory that is defined in accordance
9 with Subsection (a) of this section.

10 SECTION 7. Section 277.001, Election Code, is amended to
11 read as follows:

12 277.001. APPLICABILITY OF CHAPTER. This chapter applies to
13 a petition authorized or required to be filed under a law outside
14 this code in connection with an election, ~~except a petition for a~~
15 ~~local option election held under the Alcoholic Beverage Code.~~

16 SECTION 8. Section 251.32, Alcoholic Beverage Code, is
17 repealed.

18 SECTION 9. Section 251.33, Alcoholic Beverage Code, is
19 repealed.

20 SECTION 10. Section 251.36, Alcoholic Beverage Code, is
21 repealed.

22 SECTION 11. This Act takes effect September 1, 2003.