

By: Denny

H.B. No. 1799

A BILL TO BE ENTITLED

AN ACT

relating to a transfer and nonsubstantive revision of laws governing the holding of local option elections regarding alcoholic beverages.

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

SECTION 1. The Election Code is amended by adding Title 17 to read as follows:

TITLE 17. LOCAL OPTION ELECTIONS

CHAPTER 501. LOCAL OPTION ELECTIONS ON SALE OF

ALCOHOLIC BEVERAGES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 501.001. DEFINITIONS. In this chapter:

(1) "Alcoholic beverage," "beer," "commission," "liquor," "mixed beverage," and "wine and vinous liquor" have the meanings assigned by Section 1.04, Alcoholic Beverage Code.

(2) "Municipality" has the meaning assigned by Section 1.005, Local Government Code.

(3) "Premises" has the meaning assigned by Section 11.49, Alcoholic Beverage Code.

Sec. 501.002. REFERENCES IN OTHER LAW. A reference in law to an election or a local option election held under Chapter 251, Alcoholic Beverage Code, means an election held under this chapter.

Sec. 501.003. ENFORCEMENT. The enforcement provisions of the Alcoholic Beverage Code that relate generally to a violation of

1 a provision of that code, including Chapter 101, Alcoholic Beverage
2 Code, apply to a violation of a provision of this chapter.

3 [Sections 501.004-501.020 reserved for expansion]

4 SUBCHAPTER B. MANNER OF CALLING ELECTION

5 Sec. 501.021. ELECTION TO BE HELD. On proper petition by
6 the required number of voters of a county, justice precinct, or
7 municipality in the county, the commissioners court shall order a
8 local option election in the political subdivision to determine
9 whether the sale of alcoholic beverages of one or more of the
10 various types and alcoholic contents shall be prohibited or
11 legalized in the political subdivision.

12 Sec. 501.022. QUALIFICATIONS FOR NEW POLITICAL SUBDIVISION
13 TO HOLD ELECTION. (a) A political subdivision must have been in
14 existence for at least 18 months before a local option election to
15 legalize or prohibit the sale of liquor in the political
16 subdivision may be held.

17 (b) The political subdivision must include substantially
18 all the area encompassed by the political subdivision at the time of
19 its creation and may include any other area subsequently annexed by
20 or added to the political subdivision.

21 (c) This section does not apply to a municipality
22 incorporated before December 1, 1971.

23 Sec. 501.023. APPLICATION FOR PETITION. (a) If 10 or more
24 qualified voters of any county, justice precinct, or municipality
25 file a written application and provide proof of publication in a
26 newspaper of general circulation in that political subdivision, the
27 county clerk of the county shall issue to the applicants a petition

1 to be circulated among the qualified voters of the political
2 subdivision for the signatures of those qualified voters who desire
3 that a local option election be called for the purpose of
4 determining whether the sale of alcoholic beverages of one or more
5 of the various types and alcoholic contents shall be prohibited or
6 legalized in the political subdivision.

7 (b) Not later than the fifth day after the date the petition
8 is issued, the county clerk shall notify the commission and the
9 secretary of state that the petition has been issued.

10 Sec. 501.024. HEADING, STATEMENT, AND ISSUE ON APPLICATION
11 FOR PETITION TO PROHIBIT. (a) An application for a petition
12 seeking an election to prohibit the sale of alcoholic beverages of
13 one or more of the various types and alcoholic contents must be
14 headed: "Application for Local Option Election Petition to
15 Prohibit."

16 (b) The application must contain a statement just ahead of
17 the signatures of the applicants, as follows: "It is the hope,
18 purpose and intent of the applicants whose signatures appear hereon
19 to see prohibited the sale of alcoholic beverages referred to in the
20 issue set out above."

21 (c) The issue to be voted on must be:

22 (1) clearly stated in the application; and

23 (2) one of the issues listed in Section 501.035.

24 Sec. 501.025. HEADING, STATEMENT, AND ISSUE ON APPLICATION
25 FOR PETITION TO LEGALIZE. (a) An application for a petition
26 seeking an election to legalize the sale of alcoholic beverages of
27 one or more of the various types and alcoholic contents must be

1 headed: "Application for Local Option Election Petition to
2 Legalize."

3 (b) The application must contain a statement just ahead of
4 the signatures of the applicants, as follows: "It is the hope,
5 purpose and intent of the applicants whose signatures appear hereon
6 to see legalized the sale of alcoholic beverages referred to in the
7 issue set out above."

8 (c) The issue to be voted on must be:

9 (1) clearly stated in the application; and

10 (2) one of the issues listed in Section 501.035.

11 Sec. 501.026. PETITION REQUIREMENTS. A petition must show
12 the date the petition is issued by the county clerk and be serially
13 numbered. Each page of a petition must bear the same date and
14 serial number and the actual seal of the county clerk rather than a
15 facsimile of that seal.

16 Sec. 501.027. HEADING AND STATEMENT ON PETITION TO
17 PROHIBIT. (a) Each page of the petition for a local option
18 election seeking to prohibit the sale of alcoholic beverages of one
19 or more of the various types and alcoholic contents must be headed
20 "Petition for Local Option Election to Prohibit."

21 (b) The petition must contain a statement just ahead of the
22 signatures of the petitioners, as follows: "It is the hope, purpose
23 and intent of the petitioners whose signatures appear hereon to see
24 prohibited the sale of alcoholic beverages referred to in the issue
25 set out above."

26 (c) The issue to be voted on must be:

27 (1) clearly stated in the petition; and

1 (2) one of the issues listed in Section 501.035.

2 Sec. 501.028. HEADING AND STATEMENT ON PETITION TO
3 LEGALIZE. (a) Each page of the petition for a local option
4 election seeking to legalize the sale of alcoholic beverages of one
5 or more of the various types and alcoholic contents must be headed
6 "Petition for Local Option Election to Legalize."

7 (b) The petition must contain a statement just ahead of the
8 signatures of the petitioners, as follows: "It is the hope, purpose
9 and intent of the petitioners whose signatures appear hereon to see
10 legalized the sale of alcoholic beverages referred to in the issue
11 set out above."

12 (c) The issue to be voted on must be:

13 (1) clearly stated in the petition; and

14 (2) one of the issues listed in Section 501.035.

15 Sec. 501.029. OFFENSE: MISREPRESENTATION OF PETITION. (a)
16 A person commits an offense if the person misrepresents the purpose
17 or effect of a petition issued under this chapter.

18 (b) An offense under this section is a Class B misdemeanor.

19 Sec. 501.030. COPIES OF PETITION. (a) The county clerk
20 shall supply as many copies of the petition as may be required by
21 the applicants but not to exceed more than one page of the petition
22 for every 10 registered voters in the county, justice precinct, or
23 municipality. Each copy must bear the date, number, and seal on
24 each page as required on the original petition.

25 (b) The county clerk shall keep a copy of each petition and a
26 record of the applicants for the petition.

27 Sec. 501.031. VERIFICATION OF PETITION. (a) The voter

1 registrar of the county shall check the names of the signers of
2 petitions and the voting precincts in which the signers reside to
3 determine whether the signers were qualified voters of the county,
4 justice precinct, or municipality at the time the petition was
5 issued. The political subdivision may use a statistical sampling
6 method to verify the signatures, except that on written request
7 from a citizen of the political subdivision for which an election is
8 sought, the political subdivision shall verify each signature on
9 the petition. The citizen making the request shall pay the
10 reasonable cost of the verification. The registrar shall certify
11 to the commissioners court the number of qualified voters signing
12 the petition.

13 (b) A petition signature may not be counted unless the
14 signature is the actual signature of the purported signer and the
15 petition:

16 (1) contains in addition to the signature:

17 (A) the signer's printed name;

18 (B) the signer's date of birth;

19 (C) if the territory from which signatures must
20 be obtained is situated in more than one county, the county of
21 registration;

22 (D) the signer's residence address; and

23 (E) the date of signing; and

24 (2) complies with any other applicable requirements
25 prescribed by law.

26 (c) The use of ditto marks or abbreviations does not
27 invalidate a signature if the required information is reasonably

1 ascertainable.

2 (d) The omission of the state from the signer's residence
3 address does not invalidate a signature unless the political
4 subdivision from which the signature is obtained is situated in
5 more than one state. The omission of the zip code from the address
6 does not invalidate a signature.

7 (e) The signature is the only entry on the petition that is
8 required to be in the signer's handwriting.

9 (f) A signer may withdraw the signer's signature by deleting
10 the signature from the petition or by filing with the voter
11 registrar an affidavit requesting that the signature be withdrawn
12 from the petition. A signer may not withdraw the signature from a
13 petition on or after the date the petition is received by the
14 registrar. A withdrawal affidavit filed by mail is considered to be
15 filed at the time of its receipt by the registrar. The withdrawal
16 of a signature nullifies the signature on the petition and places
17 the signer in the same position as if the signer had not signed the
18 petition.

19 Sec. 501.032. REQUIREMENTS TO ORDER ELECTION. (a) The
20 commissioners court, at its next regular session on or after the
21 30th day after the date the petition is filed, shall order a local
22 option election to be held on the issue set out in the petition if
23 the petition is filed with the voter registrar not later than the
24 60th day after the date the petition is issued and bears the actual
25 signatures of a number of qualified voters of the political
26 subdivision equal to at least:

27 (1) 35 percent of the registered voters in the

1 subdivision for a ballot issue that permits voting for or against:

2 (A) "The legal sale of all alcoholic beverages
3 for off-premise consumption only.";

4 (B) "The legal sale of all alcoholic beverages
5 except mixed beverages.";

6 (C) "The legal sale of all alcoholic beverages
7 including mixed beverages."; or

8 (D) "The legal sale of mixed beverages.";

9 (2) 25 percent of the registered voters in the
10 political subdivision who voted in the most recent general election
11 for a ballot issue that permits voting for or against "The legal
12 sale of wine on the premises of a holder of a winery permit."; or

13 (3) 35 percent of the registered voters in the
14 political subdivision who voted in the most recent gubernatorial
15 election for an election on any other ballot issue.

16 (b) Voters whose names appear on the list of registered
17 voters with the notation "S," or a similar notation, shall be
18 excluded from the computation of the number of registered voters of
19 a particular territory.

20 Sec. 501.033. RECORD IN MINUTES. The date a petition is
21 presented, the names of the signers, and the action taken with
22 respect to the petition shall be entered in the minutes of the
23 commissioners court.

24 Sec. 501.034. ISSUES TO APPEAR IN ORDER FOR ELECTION. (a)
25 The election order must state in its heading and text whether the
26 local option election to be held is for the purpose of prohibiting
27 or legalizing the sale of the alcoholic beverages set out in the

1 issue recited in the application and petition.

2 (b) The order must state the issue to be voted on in the
3 election.

4 Sec. 501.035. ISSUES. (a) In the ballot issues prescribed
5 by this section, "wine" is limited to vinous beverages that do not
6 contain more than 17 percent alcohol by volume and includes malt
7 beverages that do not exceed that alcohol content. For local option
8 purposes, those beverages, sold and dispensed to the public in
9 unbroken, sealed, individual containers, are a separate and
10 distinct type of alcoholic beverage.

11 (b) In an area where any type or classification of alcoholic
12 beverages is prohibited and the issue submitted pertains to
13 legalization of the sale of one or more of the prohibited types or
14 classifications, the ballot shall be prepared to permit voting for
15 or against the one of the following issues that applies:

16 (1) "The legal sale of beer for off-premise
17 consumption only."

18 (2) "The legal sale of beer."

19 (3) "The legal sale of beer and wine for off-premise
20 consumption only."

21 (4) "The legal sale of beer and wine."

22 (5) "The legal sale of all alcoholic beverages for
23 off-premise consumption only."

24 (6) "The legal sale of all alcoholic beverages except
25 mixed beverages."

26 (7) "The legal sale of all alcoholic beverages
27 including mixed beverages."

1 (8) "The legal sale of mixed beverages."

2 (9) "The legal sale of mixed beverages in restaurants
3 by food and beverage certificate holders only."

4 (10) "The legal sale of wine on the premises of a
5 holder of a winery permit."

6 (c) In an area where the sale of all alcoholic beverages
7 including mixed beverages has been legalized, the ballot for a
8 prohibitory election shall be prepared to permit voting for or
9 against the one of the following issues that applies:

10 (1) "The legal sale of beer for off-premise
11 consumption only."

12 (2) "The legal sale of beer."

13 (3) "The legal sale of beer and wine for off-premise
14 consumption only."

15 (4) "The legal sale of beer and wine."

16 (5) "The legal sale of all alcoholic beverages for
17 off-premise consumption only."

18 (6) "The legal sale of all alcoholic beverages except
19 mixed beverages."

20 (7) "The legal sale of all alcoholic beverages
21 including mixed beverages."

22 (8) "The legal sale of mixed beverages."

23 (9) "The legal sale of mixed beverages in restaurants
24 by food and beverage certificate holders only."

25 (10) "The legal sale of wine on the premises of a
26 holder of a winery permit."

27 (d) In an area where the sale of all alcoholic beverages

1 except mixed beverages has been legalized, the ballot for a
2 prohibitory election shall be prepared to permit voting for or
3 against the one of the following issues that applies:

4 (1) "The legal sale of beer for off-premise
5 consumption only."

6 (2) "The legal sale of beer."

7 (3) "The legal sale of beer and wine for off-premise
8 consumption only."

9 (4) "The legal sale of beer and wine."

10 (5) "The legal sale of all alcoholic beverages for
11 off-premise consumption only."

12 (6) "The legal sale of all alcoholic beverages except
13 mixed beverages."

14 (7) "The legal sale of wine on the premises of a holder
15 of a winery permit."

16 (e) In an area where the sale of beverages containing
17 alcohol not in excess of 17 percent by volume has been legalized,
18 and those of higher alcoholic content are prohibited, the ballot
19 for a prohibitory election shall be prepared to permit voting for or
20 against the one of the following issues that applies:

21 (1) "The legal sale of beer for off-premise
22 consumption only."

23 (2) "The legal sale of beer."

24 (3) "The legal sale of beer and wine for off-premise
25 consumption only."

26 (4) "The legal sale of beer and wine."

27 (5) "The legal sale of wine on the premises of a holder

1 of a winery permit."

2 (f) In an area where the sale of beer containing alcohol not
3 exceeding four percent by weight has been legalized, and all other
4 alcoholic beverages are prohibited, the ballot for a prohibitory
5 election shall be prepared to permit voting for or against the one
6 of the following issues that applies:

7 (1) "The legal sale of beer for off-premise
8 consumption only."

9 (2) "The legal sale of beer."

10 (g) In an area where the sale of a particular type of
11 alcoholic beverage has been legalized only for off-premise
12 consumption, no alcoholic beverage may be consumed on any licensed
13 premises and no type of alcoholic beverage other than the type
14 legalized may be sold.

15 Sec. 501.036. ISSUE ON MIXED BEVERAGES. (a) A local option
16 election does not affect the sale of mixed beverages unless the
17 proposition specifically mentions mixed beverages.

18 (b) In any local option election in which any shade or
19 aspect of the issue submitted involves the sale of mixed beverages,
20 any other type or classification of alcoholic beverage that was
21 legalized before the election remains legal without regard to the
22 outcome of that election on the question of mixed beverages. If the
23 sale of mixed beverages by food and beverage certificate holders
24 was legalized before a local option election on the general sale of
25 mixed beverages, the sale of mixed beverages in an establishment
26 that holds a food and beverage certificate remains legal without
27 regard to the outcome of the election on the general sale of mixed

1 beverages.

2 Sec. 501.037. EVIDENCE OF VALIDITY. The commissioners
3 court election order is prima facie evidence of compliance with all
4 provisions necessary to give the order validity or to give the
5 commissioners court jurisdiction to make the order valid.

6 Sec. 501.038. FREQUENCY OF ELECTIONS. A local option
7 election on a particular issue may not be held in a political
8 subdivision until after the first anniversary of the most recent
9 local option election in that political subdivision on that issue.

10 [Sections 501.039-501.100 reserved for expansion]

11 SUBCHAPTER C. HOLDING OF ELECTION

12 Sec. 501.101. APPLICABILITY OF ELECTION CODE. Except as
13 provided by this chapter, the officers holding a local option
14 election shall hold the election in the manner provided by the other
15 provisions of this code.

16 Sec. 501.102. ELECTION PRECINCTS. (a) County election
17 precincts shall be used for a local option election to be held in an
18 entire county or in a justice precinct.

19 (b) Election precincts established by the governing body of
20 the municipality for its municipal elections shall be used for a
21 local option election to be held in a municipality. If the
22 governing body has not established precincts for its municipal
23 elections, the commissioners court shall prescribe the election
24 precincts for the local option election under the law governing
25 establishment of precincts for municipal elections.

26 Sec. 501.103. POLLING PLACES; NOTICE. (a) The election
27 shall be held at the customary polling place in each election

1 precinct. If the customary polling place is not available, the
2 commissioners court shall designate another polling place.

3 (b) The notice for the election shall state the polling
4 place for each election precinct and the precinct numbers of county
5 precincts included in each municipal election precinct if the
6 election is for a municipality.

7 Sec. 501.104. NUMBER OF BALLOTS FURNISHED. If the election
8 is conducted using printed ballots, the county clerk shall furnish
9 the presiding judge of each election precinct with at least the
10 number of ballots equal to the number of registered voters in the
11 precinct plus 10 percent of that number of voters.

12 Sec. 501.105. ISSUE ON BALLOT. (a) The issue ordered to
13 appear on the ballot for an election ordered by the commissioners
14 court must be the same as the issue applied for and set out in the
15 petition.

16 (b) The issue appropriate to the election shall be printed
17 on the ballot in the exact language stated in Section 501.035.

18 Sec. 501.106. TIME FOR VOTE TALLY. The votes for a local
19 option election shall be counted and the report of the election
20 submitted to the commissioners court within 24 hours after the time
21 the polls close.

22 Sec. 501.107. COUNTY PAYMENT OF ELECTION EXPENSES. The
23 county shall pay the expense of holding a local option election
24 authorized by this chapter in the county, justice precinct, or
25 municipality in that county except that:

26 (1) if an election is to be held only within the
27 corporate limits of a municipality located wholly within the

1 county, the county may require the municipality to reimburse the
2 county for all or part of the expenses of holding the local option
3 election;

4 (2) county payment of the expense of an election to
5 legalize the sale of alcoholic beverages is limited to the holding
6 of one election in a political subdivision during a one-year
7 period; and

8 (3) county payment of the expense of an election to
9 prohibit the sale of alcoholic beverages is limited to the holding
10 of one election in a political subdivision during a one-year
11 period.

12 Sec. 501.108. DEPOSIT REQUIRED FOR CERTAIN ELECTIONS. (a)
13 If a county is not required to pay the expense of a local option
14 election under Section 501.107, the county clerk shall require the
15 applicants for a petition for a local option election to make a
16 deposit before the issuance of the petition.

17 (b) The deposit must be in the form of a cashier's check in
18 an amount equal to 25 cents per voter listed on the current list of
19 registered voters residing in the county, justice precinct, or
20 municipality where the election is to be held.

21 (c) The money received shall be deposited in the county's
22 general fund. A refund may not be made to the applicants regardless
23 of whether the petition is returned to the county clerk or the
24 election is ordered.

25 (d) The county clerk may not issue a petition to the
26 applicants unless a deposit required by this chapter is made.

27 (e) A person who violates Subsection (d) commits an offense.

1 An offense under this subsection is a misdemeanor punishable by:

2 (1) a fine of not less than \$200 nor more than \$500;

3 (2) confinement in the county jail for not more than 30
4 days; or

5 (3) both the fine and confinement.

6 Sec. 501.109. ELECTION IN CERTAIN MUNICIPALITIES. (a)

7 This section applies only to an election to permit or prohibit the
8 legal sale of alcoholic beverages of one or more of the various
9 types and alcoholic contents in a municipality that is located in
10 more than one county.

11 (b) An election to which this section applies shall be
12 conducted by the municipality instead of the counties. For the
13 purposes of an election conducted under this section, a reference
14 in this chapter to:

15 (1) the county is considered to refer to the
16 municipality;

17 (2) the commissioners court is considered to refer to
18 the governing body of the municipality;

19 (3) the county clerk or voter registrar is considered
20 to refer to the secretary of the municipality or, if the
21 municipality does not have a secretary, to the person performing
22 the functions of a secretary of the municipality; and

23 (4) the county judge is considered to refer to the
24 mayor of the municipality or, if the municipality does not have a
25 mayor, to the presiding officer of the governing body of the
26 municipality.

27 (c) The municipality shall pay the expense of the election.

1 (d) An action to contest the election under Section 501.155
2 may be brought in the district court of any county in which the
3 municipality is located.

4 [Sections 501.110-501.150 reserved for expansion]

5 SUBCHAPTER D. PROCEDURE FOLLOWING ELECTION

6 Sec. 501.151. DECLARATION OF RESULT. (a) On completing the
7 canvass of the election returns, the commissioners court shall make
8 an order declaring the result and cause the clerk of the
9 commissioners court to record the order as provided by law.

10 (b) In a prohibitory election, if a majority of the votes
11 cast do not favor the issue "The legal sale . . .," the court's
12 order must state that the sale of the type or types of beverages
13 stated in the issue at the election is prohibited effective on the
14 30th day after the date the order is entered. The prohibition
15 remains in effect until changed by a subsequent local option
16 election held under this chapter.

17 (c) In a legalization election, if a majority of the votes
18 cast favor the issue "The legal sale . . .," the legal sale of the
19 type or types of beverages stated in the issue at the election is
20 legal on the entering of the court's order. The legalization
21 remains in effect until changed by a subsequent local option
22 election held under this code.

23 (d) The local option status of a political subdivision does
24 not change as a result of the election if:

25 (1) in an election described by Subsection (b), less
26 than a majority of the votes cast do not favor the issue; and

27 (2) in an election described by Subsection (c), less

1 than a majority of the votes cast favor the issue.

2 Sec. 501.152. ORDER PRIMA FACIE EVIDENCE. The order of the
3 commissioners court declaring the result of the election is prima
4 facie evidence that all provisions of law have been complied with in
5 giving notice of and holding the election, counting and returning
6 the votes, and declaring the result of the election.

7 Sec. 501.153. CERTIFICATION OF RESULT. Not later than the
8 third day after the date the result of a local option election has
9 been declared, the county clerk shall certify the result to the
10 secretary of state and the commission. The clerk may not charge a
11 fee for this service.

12 Sec. 501.154. POSTING ORDER PROHIBITING SALE. (a) A
13 commissioners court order declaring the result of a local option
14 election and prohibiting the sale of any or all types of alcoholic
15 beverages must be published by posting the order at three public
16 places in the county or other political subdivision in which the
17 election was held.

18 (b) The posting of the order shall be recorded in the
19 minutes of the commissioners court by the county judge. The entry
20 in the minutes or a copy certified under the hand and seal of the
21 county clerk is prima facie evidence of the posting.

22 Sec. 501.155. ELECTION CONTEST. (a) The enforcement of
23 local option laws in the political subdivision in which an election
24 is being contested is not suspended during an election contest.

25 (b) The result of an election contest finally settles all
26 questions relating to the validity of that election. A person may
27 not call the legality of that election into question again in any

1 other suit or proceeding.

2 (c) If an election contest is not timely instituted, it is
3 conclusively presumed that the election is valid and binding in all
4 respects on all courts.

5 SECTION 2. The heading to Chapter 251, Alcoholic Beverage
6 Code, is amended to read as follows:

7 CHAPTER 251. LOCAL OPTION STATUS [~~ELECTIONS~~]

8 SECTION 3. Section 251.71, Alcoholic Beverage Code, is
9 amended by adding Subsection (e) to read as follows:

10 (e) For purposes of this code:

11 (1) a reference to a local option election means an
12 election held under Chapter 501, Election Code; and

13 (2) a local option election held under Chapter 501,
14 Election Code, is considered to have been held under this code.

15 SECTION 4. Section 251.72, Alcoholic Beverage Code, is
16 amended to read as follows:

17 Sec. 251.72. CHANGE OF STATUS. Except as provided in
18 Section 251.73 of this code, an authorized voting unit that has
19 exercised or may exercise the right of local option retains the
20 status adopted, whether absolute prohibition or legalization of the
21 sale of alcoholic beverages of one or more of the various types and
22 alcoholic contents on which an issue may be submitted under the
23 terms of Section 501.035, Election Code [~~251.14 of this code~~],
24 until that status is changed by a subsequent local option election
25 in the same authorized voting unit.

26 SECTION 5. Section 251.80(c), Alcoholic Beverage Code, is
27 amended to read as follows:

1 (c) The provisions of Section 501.107, Election Code
2 [~~251.40 of this code~~] relating to the payment of local option
3 election expenses shall apply to elections held in a territory that
4 is defined in accordance with Subsection (a) of this section.

5 SECTION 6. Subchapter D, Chapter 251, Alcoholic Beverage
6 Code, is amended by adding Section 251.82 to read as follows:

7 Sec. 251.82. ELECTION IN CERTAIN CITIES AND TOWNS. For the
8 purposes of an election conducted under Section 501.109, Election
9 Code, a reference in this code:

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

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

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

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

22 SECTION 7. Subchapters A, B, and C, Chapter 251, Alcoholic
23 Beverage Code, are repealed.

24 SECTION 8. This Act takes effect September 1, 2005.