BILL ANALYSIS

Senate Research Center
82R5856 MCK-D

S.B. 1375
By: Estes
Business & Commerce
4/18/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A local option election is an election held by order of the county commissioners court on proper petition by the voters of a county, justice precinct, or municipality to determine whether the sale of alcoholic beverages should be prohibited or legalized. The number of names required to trigger the election varies depending on the type of alcoholic beverage at issue, but is usually equal to 35 percent of the voters who cast a ballot in the most recent gubernatorial election.

Under current law, it is not clear whether newly annexed citizens are allowed to vote in a local option election that takes place after the political subdivision where the election is to be held annexes a neighboring political subdivision in between the time the petition is filed and the time the election occurs. This ambiguity recently affected the city of Celina, where the city, under the current ambiguous wording of the statute, decided that the votes of newly annexed citizens could not be counted in a local option election.

The bill changes the law to state clearly that annexed citizens may vote in a local option election that occurs after their annexation, even if the petition for the election was filed before the annexation. It also clarifies that the required number of names needed on the petition to trigger a local option election is to be calculated in reference to the total number of gubernatorial voters of the political subdivision at the time the election is held, not at the time the petition is filed. So a petition will now become insufficient if it no longer contains enough names to equal 35 percent of the gubernatorial voters in the political subdivision's new boundaries.

As proposed, S.B. 1375 amends current law relating to who may participate in certain local option elections to prohibit or authorize the sale of alcoholic beverages.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 501, Election Code, by adding Section 501.1035, as follows:

> Sec. 501.1035. ELECTION IN TERRITORY ANNEXED BY MUNICIPALITY. Authorizes a municipality that includes an area annexed to the municipality on or after the date on which a petition requesting a local option election in the municipality is filed to hold the election in the municipality only if the petition contains a sufficient number of signatures to meet the requirements of Section 501.032 (Requirements to Order Election), based on the number of qualified voters in the municipality, including the annexed area. Requires that the qualified voters of the annexed area be allowed to vote in the local option election. Requires the results of the election to determine the local option status of the municipality, including the annexed area.

SECTION 2. Effective date: September 1, 2011.