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Chapter 778

AN ACT

1  
2 relating to allowing the governing bodies of certain municipalities  
3 to order a local option election relating to the sale of alcoholic  
4 beverages.

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

6 SECTION 1. The heading to Section 501.021, Election Code,  
7 is amended to read as follows:

8 Sec. 501.021. ELECTION TO BE HELD BY PETITION.

9 SECTION 2. Subchapter B, Chapter 501, Election Code, is  
10 amended by adding Section 501.0211 to read as follows:

11 Sec. 501.0211. ELECTION CALLED BY GOVERNING BODY OF  
12 MUNICIPALITY. (a) This section applies only to a municipality:

13 (1) with a population of at least 112,000 located in a  
14 county with a population of not more than 135,000;

15 (2) in which the sale of one or more types or  
16 classifications of alcoholic beverage is legal in the municipality  
17 as a result of a local option election held in the municipality; and

18 (3) that, after the election is held, annexes  
19 territory in which the sale of one or more of those types or  
20 classifications of alcoholic beverage is not legal.

21 (b) After holding a public hearing, the governing body of a  
22 municipality described by Subsection (a) may, by resolution, order  
23 a local option election to be held in the municipality on the ballot  
24 issue the passage of which would legalize the sale of the same types

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1 and classifications of alcoholic beverages the sale of which was  
2 legalized by the results of the local option election described by  
3 Subsection (a).

4 (c) The resolution ordering the election must state in its  
5 heading and text that the local option election to be held is for  
6 the purpose of legalizing the sale of the alcoholic beverages and  
7 set out the ballot issue to be voted on in the election.

8 (d) An election ordered by the governing body of a  
9 municipality under this section shall be conducted by the  
10 municipality instead of the county. For the purposes of an election  
11 conducted under this section, a reference in this code:

12 (1) to the county is considered to refer to the  
13 municipality;

14 (2) to the commissioners court is considered to refer  
15 to the governing body of the municipality;

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

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

24 (e) The municipality shall pay the expense of the election.

25 (f) This section expires September 1, 2015.

26 SECTION 3. This Act takes effect September 1, 2009.

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S.B. No. 1034

David Newkum  
President of the Senate

Jim Strawn  
Speaker of the House

I hereby certify that S.B. No. 1034 passed the Senate on April 9, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2009, by the following vote: Yeas 31, Nays 0.

Datsy Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 1034 passed the House, with amendment, on May 26, 2009, by the following vote: Yeas 141, Nays 0, two present not voting.

Robert Haney  
Chief Clerk of the House

Approved:

19 JUN '09  
Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

JUN 19 2009

Coly Hunter III