



Local Option Process Report

SEPTEMBER 5, 2023 CITY COUNCIL MEETING
REPORTS & PRESENTATIONS

Overview

- The Johnson County portion of Burleson was dry until 2004
- First local option election held in 2004
 - Held in May 2004
 - Two measures on the ballot
 - The legal sale of malt beverage and wine for off-premise consumption only. **FAILED**
 - The legal sale of mixed beverages in restaurants by food and beverage certificate holders only. **PASSED**
- Second local option election held in 2006
 - The legal sale of malt beverage and wine for off-premise consumption only. **PASSED**
- No other local options held to date

Texas Local Option Election Process

Must be held on uniform election
date:

1st Saturday in May or 1st Tuesday after
the first Monday in November

Next Election dates:

May 4, 2024 - February 2024

November 5, 2024 – August 2024

Steps:

1. Application for Petition – at least 10 qualified voters of the city
2. Once verified by City Secretary petitions issued
3. Returned petitions signatures verified
4. If accepted with correct amount of signatures must be presented to the city council
5. City council must order an election for the next uniform election date
6. Election held in accordance with Texas Election Code

Application for Petition

Election Code requires **written application** be filed by **10 or more qualified voters** of the city be submitted to the City Secretary.

There is **no specific form** that must be completed for the application –however **must have header** “Application for Local Option Election Petition to Legalize....” and just **before signatures** “It is the hope, purpose and intent of the applicants whose signatures appear hereon to see legalized the sale of alcoholic beverage referred to in the issue set out above.”

Applicants must **publish a notice** in a newspaper of general circulation and provide **proof of publication** with the application when filed with City Secretary.

City Secretary verify and issue petitions

City Secretary must **notify** the **Secretary of State and the Texas Alcoholic Beverage Commission** in writing by the 5th day after petitions are issued.

Election code requires **petitions to be in English and Spanish** – each petition shall be **for only one measure**, numbered, hold the seal of the City Secretary, have a certificate of circulator, and date.

City must supply as many petitions as requested – not required to provide more than **one page for every 10 registered voters**.

There is an **official petition** for local options election prescribed by the **Secretary of State** that must be used.

Petitions

Only 10 measures possible to be listed:

1. The legal sale of malt beverage for off-premise consumption only.
2. The legal sale of malt beverage
- 3. The legal sale of malt beverage and wine for off-premise consumption only.**
4. The legal sale of malt beverage and wine.
5. The legal sale of all alcoholic beverages for off-premise consumption only.
6. The legal sale of all alcoholic beverages except mixed beverages.
7. The legal sale of all alcoholic beverages including mixed beverages.
8. The legal sale of mixed beverages.
- 9. The legal sale of mixed beverages in restaurants by food and beverage certificate holders only.**
10. The legal sale of wine on the premises of a holder of a winery permit.

Petitions cont.

Number of signatures required:

25% of registered voters who voted in the most recent **general election** IF the ballot measure is ***The legal sale of wine on the premises of a holder of a winery permit.***

35% of registered voters who voted in the most recent **gubernatorial election** for **ALL other measures.**

Circulators have **60 days** after issuance to **return with required signatures**

City Secretary must **verify signatures** on petition – use **election code** and **city charter to process.**

Must complete verification **within 15 business days** of receiving filed petitions.

Valid Petitions

City Secretary shall **present the findings** of the petition whether valid or not and it must be **recorded in the minutes of the city council** proceedings

The city council **must order** an **election** for a **valid petition** at a **regular council session** occurring on or after the 30th day the petition is filed.

Election must be **held on a uniform election** date and follow all the election code requirements.

After election must **canvass** following election code;

- **Passage** of the measure goes into **effect** when the results are **officially canvassed**
- **Unsuccessful** measure has **no prohibitory** effect

Not later than the **3rd day after the canvass** the city secretary must **certify the results** to the **Secretary of State** and the **Alcoholic Beverage Commission**.

QUESTIONS?