
City Council Regular Meeting

DEPARTMENT: City Secretary's Office
FROM: Amanda Campos, City Secretary
MEETING: September 5, 2023

SUBJECT:

Receive a report and hold a discussion on Local Option Election process. (*Staff presenter: Amanda Campos, City Secretary*)

SUMMARY:

Although Texas has statewide alcohol laws, local voters can decide the types of alcoholic beverages sold in their communities through local option elections. The City of Burleson located in a dry county, Johnson, held two local option elections to allow sell of alcohol in the city limits. The first local option that passed was the legal sale of alcoholic beverages with a Food & Beverage certificate in 2004. The second local option that passed was the legal sale of beer and wine for off-premise consumption in 2006. There have been no other local options elections in Burleson.

City Council requested staff review the process of the holding another local option election. I have outlined the basic steps in the process for a Local Option Election. The goal is to provide council and the public with a high-level overview.

1. Application – Must be a written application filed by 10 or more qualified voters of the city and presented to the City Secretary. Once received and qualified the City Secretary shall provide petitions to the applicants for signatures.
2. Petitions – The City Secretary must notify the Secretary of State and TABC that petitions have been issued by the 5th day after the issuance.
3. Local Option choices – The petitions must clearly state which local option election requested to be voted on. Only one issue per petition, if multiple options are requested there must be multiple petitions signed. There are only 10 local options allowed to chose from.
 - a. The legal sale of malt beverage for off-premise consumption only.
 - b. The legal sale of malt beverage
 - c. The legal sale of malt beverage and wine for off-premise consumption only.
 - d. The legal sale of malt beverage and wine
 - e. The legal sale of all alcoholic beverages for off-premise consumption only.
 - f. The legal sale of all alcoholic beverages except mixed beverages.
 - g. The legal sale of all alcoholic beverages including mixed beverages.
 - h. The legal sale of mixed beverages

- i. The legal sale of mixed beverages in restaurants by food and beverage certificate holders only
- j. The legal sale of wine on the premises of a holder of a winery permit.

Options highlighted in yellow are the previous measures that passed and are in effect.

- 4. Number of signatures required on petitions – This depends on the local option listed on the ballot. 25% of registered voters who voted in most recent general election (May 2021) for “*legal sale of wine on the premises of a holder of a winery permit*” or 35% of registered voters who voted in the last governor’s election (November 2018) for all other local options.
- 5. Time to gather signatures – Petitions must be filed with signatures no later than 60 days after the first petition is issued by the City Secretary.
- 6. City Secretary will present the petition to the City Council and the City Council must order the election – Election must be held on a uniform election date, the first Saturday in May or the first Tuesday after the first Monday in November.
- 7. All election provisions must be followed – Election Code

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