

**Frequently Asked Questions About Local Option Elections**  
**(July 1, 2020)**

**1. Petitions are being circulated in the Town calling for Local Option Elections. What is a Local Option Election?**

As a general rule, all areas in the State of Texas historically were “dry,” meaning that no alcoholic beverages could be sold. In an 1891 Texas constitutional amendment, governmental entities were given the authority through the Legislature to determine if the area within the governmental entity would be “wet” (meaning some or all types of alcoholic beverages could be sold) or “dry.” While the State of Texas has a detailed, complex set of laws regulating alcohol sales, the local option provisions of the Texas Alcoholic Beverage Code give Town voters the ability to determine whether the sale of specific types of alcoholic beverages will be allowed or prohibited in the Town.

**2. Has the Town held Local Option Elections in the past, and if so, what did they address?**

The Town has held three Local Option Elections in the past. In May 2004, Town voters approved the sale of beer and wine for off-premise consumption. These sales are commonly found in grocery stores and convenience stores. In May 2006, Town voters approved the sale of mixed beverages in restaurants by food and beverage certificate holders. In November 2012, Town voters rejected the sale of all alcoholic beverages for off-premise consumption. This would have permitted the retail sales of distilled spirits commonly found in liquor stores.

**3. As of today, what types of alcohol sales are legally permitted in the Town?**

As a result of the prior elections, it is legal to sell beer and wine for off-premise consumption as well as the sale of mixed beverages in restaurants by food and beverage certificate holders. Therefore, restaurants (with the appropriate permit from the State of Texas) can sell alcoholic beverages to patrons, and grocery stores and convenience stores can sell beer and wine for off-premise consumption.

**4. What types of Petitions are now being circulated in the Town?**

Two petitions are being circulated in the Town at the present time. One petition would legalize in the Town the sale of all alcoholic beverages for off-premise consumption and one would legalize the sale of mixed beverages in restaurants by food and beverage certificate holders only.

**5. I understand that the door-to-door canvassers gathering petition signatures are Town employees. Is that correct?**

No. No Town employees are going door-to-door to solicit signatures from residents and no one from the Town has any involvement in the canvassing of Town

residents. The Town understands that the door-to-door canvassing is being conducted by a private company that assists private business owners who wish to change the types of alcoholic beverages that may be sold in the Town.

**6. If Town voters in 2006 approved the sale of mixed beverages in restaurants by food and beverage certificate holders, why is there a new petition for another election on that same topic?**

As a general rule, approval by the voters at the 2006 election only allowed the sale of mixed beverages in restaurants by food and beverage certificate holders for those areas within the Town limits at that time—which means that any areas that subsequently were annexed into the Town after November 2006 would not be included. Consequently, if the Local Option Election related to the sale of mixed beverages in restaurants by food and beverage certificate holders is approved in November 2020, it would include all areas of the Town inside the Town limits as of that date.

**7. The sale of beer, wine and mixed drinks in restaurants seems pretty straightforward to understand, but can you briefly explain the practical effect of the sale of all alcoholic beverages for off-premise consumption?**

The sale of all alcoholic beverages for off-premises consumption would allow the sale of any type of alcoholic beverage in the Town. This would allow, for example, the sale of any type of alcoholic beverage by grocery stores, convenience stores, and specialty alcohol stores (stores like Total Wine, Goody Goody, Spec's, etc.—please note there is no guarantee that those specific retailers would open in Prosper, they are just examples of such retail alcohol stores). Stores that sell distilled spirits have more restrictions on their hours of operation—for example, they can only operate between 10:00 a.m. and 9:00 p.m., Monday through Saturday, and cannot operate on Sundays.

**8. Did the Town Council request that the Petitions be circulated?**

No. Under state law, private parties may circulate petitions requesting that a local option election be held.

**9. What is the process that these private parties must follow for a Local Option Election to be held in the Town?**

The process is described in detail in the Texas Alcoholic Beverage Code and the Texas Election Code. In brief, an application for a petition is filed with the Town. The application is made by ten (10) or more qualified voters in the Town. Once that application is filed with the Town Secretary's Office and it is verified that the ten (10) voters are registered voters in the Town, the Town Secretary must provide the applicants with blank petition pages. The petitions that are circulating in the Town are forms that have been approved by the Texas Secretary of State's Office.

**10. How many valid signatures are required on a petition to call a Local Option Election?**

State law requires that 35% of the registered voters who voted in the last gubernatorial election are needed for a valid Local Option Election petition. Based on the number of qualified voters in the Town who voted in the 2018 gubernatorial election, the petitions require 3,186 valid signatures of registered voters.

**11. How long do the petitioners have to seek signatures from Town voters?**

State law allows the petitioners 60 days to collect signatures. That means the petitioners would need to collect the signatures of at least 3,186 registered voters in the Town by August 10, 2020.

**12. If the petitioners collect enough signatures by August 10, 2020, what happens then?**

The Town Secretary is responsible for verifying the signatures, and if enough valid signatures have been submitted, the Town Council is required by state law to order an election on each liquor proposition for which petitions were submitted.

**13. When would the Local Option Elections be held?**

At the November 3, 2020, general election.

**14. Can the Town Council refuse to call a Local Option Election?**

No. State law requires that if it is determined that the required number of valid signatures have been timely submitted to the Town for each proposition (sale of all alcoholic beverages in the Town and sale of mixed beverages in restaurants by food and beverage certificate holders), the Town must call the Local Option Elections.

**15. If all alcohol sales are approved by the voters in November, does that mean alcohol sales may occur in residential areas of the Town?**

No. State law allows cities, by charter, to prohibit the sale of liquor in residential areas. Section 11.07 of the Town Charter prohibits the sale of liquor in any zoning district which allows, in whole or in part, residential development.

**16. Would there be any other restrictions on the location of businesses that sell alcohol?**

Texas state law is very complicated and detailed on this issue; however, as a very general rule, the sale of alcohol within 300 feet of a church, public or private school, or public hospital is prohibited. Further, in general, the sale of alcohol within

300 feet of a day-care center or child care facility is prohibited; however, this restriction does not apply to food and beverage certificate holders (that is, restaurants that are permitted to serve alcohol). State statutes have detailed regulations about how to measure the 300-foot distances. For **public and private schools, day-care centers and child care facilities**, the distance is measured in a direct line from the property line of the school/day-care/child care facility to the property line of the alcoholic beverage establishment, and in a direct line across intersections. For **churches and public hospitals**, the distance is measured along the street fronts and from front door to front door, and in a direct line across intersections.

**17. If sufficient signatures are obtained, an election is held in November and both propositions fail, what will be the status of alcohol sales in the Town?**

The prior elections which approved the sale of beer and wine for off-premise consumption (May 2004) the sale of mixed beverages in restaurants by food and beverage certificate holders (May 2006) would still be in effect—except those areas of the Town that were annexed since those elections would not be able to avail themselves of selling mixed beverages in restaurants or to sell beer and wine for off-premise consumption. The dry areas shown on the current wet/dry map, referenced below, would remain dry.

**18. Where can I find a map that shows which areas of Town currently allow the various types of alcohol sales referenced in this FAQ?**

The Town's website has a map showing the wet/dry areas of Town, and may be found by selecting the "Wet/Dry Area Map" at <https://www.prospertx.gov/about-prosper/maps/>.