

## **Frequently Asked Questions About the November 3 Local Option Elections** **(September 4, 2020)**

### **1. I understand that two Local Option Elections will be on the November 3 ballot in the Town. What is a Local Option Election?**

The State of Texas has a detailed, complex set of laws regulating alcohol sales and consumption. 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. As of today, what types of alcohol sales are legally permitted in the Town?**

At the present time, 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.

### **3. What alcohol-related propositions will be on the November 3 ballot in the Town?**

Town voters will vote for or against the following 2 propositions: (1) to legalize the sale of mixed beverages in restaurants by food and beverage certificate holders only; and (2) to legalize in the Town the sale of all alcoholic beverages for off-premise consumption; and.

### **4. I don't understand. If the sale of mixed beverages in restaurants by food and beverage certificate holders is already legal in the Town, why will we be voting on November 3 about the same thing?**

When Town voters previously approved the sale of mixed beverages in restaurants by food and beverage certificate holders in 2006, it permitted the sale of mixed beverages only in those areas within the Town limits as of 2006. If the Local Option Election proposition related to the sale of mixed beverages in restaurants by food and beverage certificate holders is approved on November 3, it would include all areas of the Town inside the Town limits as of 2020. Therefore, it would also be legal to sell mixed beverages in restaurants (with the appropriate permit from the State) in any portion of the Town that was annexed after 2006.

### **5. If the November 3 vote to legalize the sale of mixed beverages in restaurants by food and beverage certificate holders only fails, does that mean that existing restaurants will not be able to continue to sell mixed beverages?**

No. State law addresses this point (Chapter 501 of the Texas Election Code) and provides that the existing food and beverage certificate holders will still be allowed

to sell mixed beverages in their restaurants. If the vote to legalize the sale of mixed beverages in restaurants by food and beverage certificate holders only fails on November 3, the only areas in Town that would be impacted would be those areas annexed after 2006—in those areas, mixed beverages could not be sold in restaurants.

**6. 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.

**7. If all alcohol sales are approved by the voters on November 3, 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.

**8. Would there be any other locational 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.

**9. If the propositions are approved, would this bring stand-alone bars to Prosper?**

No. Neither of the two ballot propositions would authorize either stand-alone bars or taverns being allowed or located in the Town.

**10. What is the specific wording of the 2 propositions on the November 3 ballot?**

The 2 alcohol-related propositions on the November 3 ballot will be in both English and Spanish and will read as follows:

**TOWN OF PROSPER, TEXAS PROPOSITION D**

The legal sale of all alcoholic beverages for off-premise consumption only.  
*La venta legal de todas bebidas alcohólicas para consumo solamente fuera del establecimiento.*

\_\_\_\_\_ For (A Favor)  
\_\_\_\_\_ Against (En Contra)

**TOWN OF PROSPER, TEXAS PROPOSITION E**

The legal sale of mixed beverages in restaurants by food and beverage certificate holders only.  
*La venta legal de bebidas alcohólicas mezcladas (cocteles) en restaurantes sólo por los poseedores de un certificado de comidas y bebides.*

\_\_\_\_\_ For (A Favor)  
\_\_\_\_\_ Against (En Contra)

**11. When and where do I vote?**

Early Voting will be held from Tuesday, October 13, 2020, through Friday, October 30, 2020. Election Day voting is on Tuesday, November 3, 2020. Collin County residents may find pertinent information and locations for early voting and election day voting at [www.collincountytx.gov/election\\_information/](http://www.collincountytx.gov/election_information/) and Denton County residents may find such information at [www.votedenton.com/upcoming-election-information/](http://www.votedenton.com/upcoming-election-information/).