

## ORDINANCE NO. 2025-5

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, ORDERING A SPECIAL LOCAL OPTION ELECTION TO BE HELD ON THE 3<sup>RD</sup> DAY OF MAY 2025, TO LEGALIZE THE SALE OF ALL ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES; DESIGNATING THE PLACES AND MANNER OF HOLDING THE ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, that:

**WHEREAS**, The qualified voters of a municipality may petition the governing body of the municipality, in a manner prescribed by Chapter 501 of the Texas Election Code, to order an election to alter the status of the sale of any type or classification of alcoholic beverages that has been legalized in a zone by an election conducted under this section. Article XVI, Section 20 of the Texas Constitution; Chapter 501, Texas Election Code; and Chapter 251, Texas Alcoholic Beverage Code; and

**WHEREAS**, Article XVI, § 20, of the Texas Constitution contains provisions that allow any dry area to become wet by citizens voting in an election legally ordered and held for that purpose under present laws. *Houchins v. Plainos*, 110 S.W.2d 549, 553 (Tex. 1937); and

**WHEREAS**, Chapter 501 of the Texas Election Code and Chapter 251 of the Texas Alcoholic Beverage Code provide for the holding of local option elections; and

**WHEREAS**, Section 501.032 of the Texas Election Code requires a city to order a local option election upon receipt of a valid petition containing signatures equal to or greater than at least thirty-five percent (35%) of the registered voters in the city who voted for governor in the most recent gubernatorial election; and

**WHEREAS**, a Petition for Local Option Election was presented to the City Secretary of the City of Huntsville, Texas, on December 30, 2025, and the City Clerk has verified that the Petition exceeds the number of signatures of qualified voters required to request a local option election be held for "the legal sale of all alcoholic beverages including mixed beverages"; and

**WHEREAS**, Section 501.032 of the Texas Election Code requires the City Council at its next regular session, on or after the 30<sup>th</sup> day after the petition is filed, to order a Local Option Election to be held on the issue set out in the Petition; and

**WHEREAS**, pursuant to Section 501.032 of the Texas Election Code, the City Council shall by this Ordinance order a Special Local Option Election to be held on a uniform election day, said date being May 3, 2025; establish the procedure to be followed in said election, and designate the voting places for said election.

**WHEREAS**, Section 41.001 (a) of the Texas Election Code establishes May 3, 2025, as a uniform election date for the City; and

**WHEREAS**, the meeting at which this Ordinance is considered is open to the public as required by law, is a regular meeting of the City Council, and public notice of the time, place, and purpose of said meeting was given as required by Section 551.043 of the Texas Government Code; and

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, THAT:**

**SECTION 1.** The Special Local Option Election of the City of Huntsville, prescribed by Section 6.01 of the City Charter, shall be held between the hours of seven (7:00) o'clock a.m. and seven (7:00) o'clock p.m. on the 3rd day of May 2025 in the City, for the purpose of a Local Option Liquor Election to Legalize the Sale of all Alcoholic Beverages Including Mixed Beverages.

**SECTION 2.** The registered voters of Walker County can vote at any Election Day poll place. Countywide Election Day Poll Locations are as follows:

**COUNTYWIDE ELECTION DAY POLL LOCATIONS**

*Registered voters of Walker County can vote at ANY Election Day poll location*

WALKER COUNTY STORM SHELTER/ VETERAN'S COMPLEX  
455 SH 75 N, Huntsville, Texas 77320

NEW WAVERLY FIRST BAPTIST CHURCH  
460 Fisher Street, New Waverly, Texas 77358

COOK SPRINGS BAPTIST CHURCH  
1936-A SH 75 N, Huntsville, Texas 77320

RIVERSIDE GLOBAL METHODIST CHURCH  
2341 FM 980, Huntsville, Texas 77320

WALKER COUNTY ANNEX  
1301 Sam Houston Ave. Ste. 101, Huntsville, Texas 77340

**SECTION 3.** This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. In all City elections, the Mayor, City Secretary or City Council shall do and perform each act as in other elections required to be done and performed, respectively, by the County Judge, the County Clerk or the Commissioners' Court. The City Council has determined, pursuant to Chapter 31 of the Texas Election Code, that the City is authorized to enter into an Election Services Agreement with Walker County, Texas, and, pursuant to Chapter 271 of the Texas Election Code, the City is authorized to enter into a Joint Election Agreement with Walker County and other participating political subdivisions for this election. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as required by any joint election agreement(s) and/or the contract(s) for election services that may be authorized by City Council.

**SECTION 4.** The official ballot to be used in the Election shall be prepared in accordance with Sections 501.035 and 501.109 of the Texas Election Code. The ballot shall permit the voter to vote "For" or "Against" the aforementioned proposition and shall be set forth substantially in the following form:

PROPOSITION \_\_ (Letter to be Determined)  
THE LEGAL SALE OF ALL ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES.

The form of the ballot for the election shall be as follows:

OFFICIAL BALLOT  
City of Huntsville, Texas  
Special Local Option Election  
Eleccion de Opcion Local para Legalizar

The legal sale of all alcoholic beverages including mixed beverages (Vote for one)  
La venta legal de todas bebidas alcohólicas incluyendo bebidas mixtas.

- For (A Favor)
- Against (En Contra)

**SECTION 5.** Diana L. McRae, the Tax Assessor-Collector / County Election Officer, is the Early Voting Clerk (EVC), as established by Secs. 83 and 31.071 of the Texas Election Code. The Elections Manager is appointed Deputy Early Voting Clerk (DEVK) for early voting as with respect to early voting in person and voting by mail.

**Applications for ballot by mail shall be mailed, faxed, or emailed to:**

Diana McRae, Early Voting Clerk  
1301 Sam Houston Avenue, Suite 114, Huntsville, Texas 77340  
Phone: (936) 436-4959 Fax Number: (936) 436-4961 Email: walkervr@co.walker.tx.us

Applications must be submitted by mail, common or contract carrier, fax or email. Note: If a voter submits the application via fax or email, the Early Voting Clerk must receive the original application via mail and within four days of receipt of the electronic copy.

Applications for Ballots by Mail (ABBM)s and Federal Postcard Applications (FPCAs) must be received no later than the close of business on April 22, 2025, by 5:00 p.m. (must be received, not postmarked).

**EARLY VOTING**

Early Voting in the election by personal appearance shall be conducted each weekday and weekend at:

**Early Voting Site:** Walker County Storm Shelter/Veteran's Complex  
455 SH 75 North, Huntsville, TX 77320

**Dates of Early Voting:** April 22<sup>nd</sup> – April 29<sup>th</sup>, Monday thru Friday

**Early Voting Times:** 8:00 a.m. – 5:00 p.m.

Early Voting in the election by personal appearance shall be conducted at the times, dates, and polling places as provided for in the Walker County Joint Election Agreement and Election Services Contract between the City of Huntsville, Texas and Walker County, Texas, and further adopts any additions or amendments to such concerning early voting times, dates, and polling location as approved by the Walker County Elections Officer.

During the lawful early voting period, such clerk shall keep such place for early voting open for early voting from 8:00 a.m. - 5:00 p.m., Monday through Friday, April 22<sup>nd</sup>, 2025, to April 29<sup>th</sup>, 2025.

**SECTION 6.** The City Secretary is hereby authorized and directed to publish and post the required notices in the manner and for the time periods required by law.

Notice of this election, including a Spanish translation hereof, shall be published once in a newspaper of general circulation in the City, the publication to appear not earlier than April 3, 2025, or later than April 3, 2025. The notice of this election must also be posted on the bulletin board used for posting notices no later than April 12,

2025.

**SECTION 7.** It is further found and determined that, in accordance with the order of this governing body, the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and such notice having been so posted and remaining posted continuously for at least seventy-two (72) hours preceding the scheduled time of such meeting.

**SECTION 8.** That the Mayor and/or the City Secretary of the City of Huntsville are hereby authorized to execute and/or issue, for and on behalf of the City, such orders, documents and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

**SECTION 9.** The Mayor and/or the City Secretary and the attorney for the City are hereby authorized and directed to make any filings required by the Federal Voting Rights Act. The Mayor and/or the City Secretary and the attorney for the City are further authorized and directed to take any action necessary to comply with the provisions of the Texas Elections Code, the Federal Voting Rights Act and the terms and provisions of any Election Services Contract(s) and the Joint Election Agreement(s) in carrying out the provisions of this Ordinance, whether or not expressly authorized herein.

**SECTION 10.** This ordinance shall take effect from and after its passage.

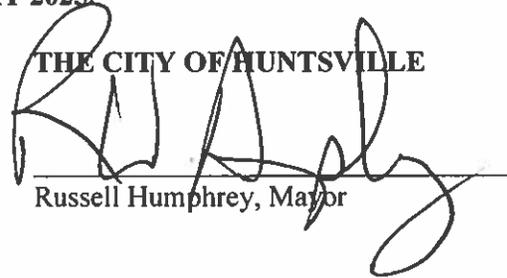
**PASSED AND APPROVED this 4th day of FEBRUARY 2025.**



ATTEST:

  
\_\_\_\_\_  
Kristy Doll, City Secretary

THE CITY OF HUNTSVILLE

  
\_\_\_\_\_  
Russell Humphrey, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Leonard Schneider, City Attorney