

By: Representative Dedeaux

To: County Affairs

HOUSE BILL NO. 444

1 AN ACT TO AMEND SECTION 19-2-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE FORM OF THE QUESTION TO APPEAR ON THE BALLOT IN
3 ELECTIONS TO DETERMINE WHETHER A COUNTY THAT OPERATES ON THE
4 COUNTYWIDE SYSTEM OF ROAD ADMINISTRATION WISHES TO RETURN TO THE
5 BEAT SYSTEM OF COUNTY GOVERNMENT; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 19-2-5, Mississippi Code of 1972, is
8 amended as follows:

9 19-2-5. (1) In the general election held on the first
10 Tuesday after the first Monday of November 1988, an election on
11 the question of operation of the county on a countywide system of
12 road administration shall be held in each county of the state. The
13 ballot in such election shall have printed thereon the question
14 "Do you want to require the county to operate under the countywide
15 system of road administration?" followed thereafter, on separate
16 lines, with the word "YES" and the word "NO" and with appropriate
17 boxes adjacent thereto in which the voters may indicate their
18 preference.

19 (2) The results of the elections held on the first Tuesday
20 after the first Monday of November 1988 concerning the question of
21 operation of the county on a countywide system of road
22 administration as set out in subsection (1) of this section shall
23 be forwarded by each county circuit clerk to the Secretary of
24 State, within fifteen (15) days of such election. The Secretary
25 of State shall certify these election results after subsection (1)
26 of this section has been precleared under Section 5 of the Voting
27 Rights Act of 1965, as amended and extended.

28 (3) If a majority of the qualified electors participating in
29 the election under subsection (1) or (2) of this section vote in
30 favor of requiring the county to operate under the countywide
31 system of road administration, the county shall not be exempt from
32 and shall be subject to the provisions of Section 19-2-3 and all
33 other provisions of law requiring counties to operate under the
34 countywide system of road administration beginning October 1,
35 1989. If, on the other hand, a majority of the qualified electors
36 participating in the election vote against requiring the county to
37 operate under the countywide system of road administration, the
38 county shall be exempt from the provisions of Section 19-2-3 and
39 all other provisions of law requiring counties to operate under
40 the countywide system of road administration beginning October 1,
41 1989, and the board of supervisors of that county may construct
42 and maintain the county roads and bridges on a road district or
43 beat system in accordance with any applicable provisions of
44 general law or may, in its discretion and at any time, by
45 resolution duly adopted and entered on its minutes, require the
46 county to operate on the countywide system of road administration
47 in accordance with Section 19-2-3.

48 (4) If in any election held in a county under subsection (1)
49 or subsection (2) of this section a majority of the qualified
50 electors participating in the election vote against requiring the
51 county to operate under the countywide system of road
52 administration, then an election on such question may again be
53 held at the November general election in 1990 or at a regularly
54 scheduled November general election in any year thereafter, in any
55 such county in which the board of supervisors has not adopted a
56 resolution as provided in subsection (3) of this section and put
57 into operation the countywide system of road administration in
58 accordance with Section 19-2-3, upon a petition filed with the
59 board of supervisors and signed by at least fifteen percent (15%)
60 or one thousand five hundred (1,500) of the qualified electors of

61 that county, whichever is the lesser, asking for an election to
62 determine whether to require the county to operate under the
63 countywide system of road administration. Upon such petition
64 being filed the board of supervisors shall order an election to be
65 held on the question at the next November general election more
66 than sixty (60) days from the filing of the petition. Nothing in
67 this section shall authorize or permit the calling or holding of
68 any such election in a county more often than once every two (2)
69 years. The question to be presented to the electors at such
70 election shall be in the same manner and form as provided in
71 subsection (1) of this section. If a majority of the qualified
72 electors participating in any such election vote in favor of
73 requiring the county to operate under the countywide system of
74 road administration, then beginning October 1 of the next year
75 following such election, the county shall not be exempt from and
76 shall be subject to the provisions of Section 19-2-3 and all other
77 provisions of law requiring counties to operate under the
78 countywide system of road administration. If, on the other hand,
79 a majority of the qualified electors participating in any such
80 election vote against requiring the county to operate under the
81 countywide system of road administration, the county shall be
82 exempt from the provisions of Section 19-2-3 and all other
83 provisions of law requiring counties to operate under the
84 countywide system of road administration, and the board of
85 supervisors of that county may construct and maintain the county
86 roads and bridges on a road district basis, a beat system or any
87 other system authorized by any applicable provisions of general
88 law, or may, in its discretion and at any time, by resolution duly
89 adopted and entered on its minutes, require the county to operate
90 under the countywide system of road administration in accordance
91 with Section 19-2-3.

92 (5) Once a county begins to operate under the countywide
93 system of road administration in accordance with Section 19-2-3,

94 whether as a result of an election held under this section or as a
95 result of a resolution adopted by the board of supervisors as
96 provided in subsection (3) or subsection (4) of this section, then
97 an election on such question may again be held in any such county
98 at the November general election in 1992 or at a regularly
99 scheduled November general election in any year thereafter at
100 which members of the boards of supervisors and state officials are
101 elected, upon a petition filed with the board of supervisors and
102 signed by at least fifteen percent (15%) or one thousand five
103 hundred (1,500) of the qualified electors of that county,
104 whichever is the lesser, asking for an election to determine
105 whether to require the county to continue to operate under the
106 countywide system of road administration. The question to be
107 presented to the electors at such election shall be "Do you want
108 to return to the beat system of county government?" If a majority
109 of the qualified electors participating in any such election vote
110 against returning to the beat system of county government, then
111 the county shall not be exempt from and shall continue to be
112 subject to the provisions of Section 19-2-3 and all other
113 provisions of law requiring counties to operate under the
114 countywide system of road administration. If, on the other hand,
115 a majority of the qualified electors participating in any such
116 election vote for returning to the beat system of county
117 government, then beginning October 1 of the next year following
118 such election, the county shall be exempt from the provisions of
119 Section 19-2-3 and all other provisions of law requiring counties
120 to operate under the countywide system of road administration, and
121 the board of supervisors of that county may construct and maintain
122 the county roads and bridges on a road district basis, a beat
123 system or any other system authorized by any applicable provisions
124 of general law, or may, in its discretion and at any time, by
125 resolution duly adopted and entered on its minutes, require the
126 county to operate under the countywide system of road

127 administration in accordance with Section 19-2-3.

128 SECTION 2. The Attorney General of the State of Mississippi
129 shall submit this act, immediately upon approval by the Governor,
130 or upon approval by the Legislature subsequent to a veto, to the
131 Attorney General of the United States or to the United States
132 District Court for the District of Columbia in accordance with the
133 provisions of the Voting Rights Act of 1965, as amended and
134 extended.

135 SECTION 3. This act shall take effect and be in force from
136 and after the date it is effectuated under Section 5 of the Voting
137 Rights Act of 1965, as amended and extended.