

By: Bowles

To: County Affairs

HOUSE BILL NO. 402

1 AN ACT TO AMEND SECTION 19-2-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT IN THE NOVEMBER 2003 GENERAL ELECTION AN ELECTION
3 SHALL BE HELD IN EACH COUNTY OF THE STATE WHICH IS REQUIRED TO
4 OPERATE ON A COUNTYWIDE SYSTEM OF ROAD ADMINISTRATION ON THE
5 QUESTION OF WHETHER TO RETURN TO THE BEAT SYSTEM OF COUNTY
6 GOVERNMENT; TO REVISE THE FORM OF THE QUESTION TO APPEAR ON THE
7 BALLOT IN ELECTIONS TO DETERMINE WHETHER A COUNTY THAT OPERATES ON
8 THE COUNTYWIDE SYSTEM OF ROAD ADMINISTRATION WISHES TO RETURN TO
9 THE BEAT SYSTEM OF COUNTY GOVERNMENT; AND FOR RELATED PURPOSES.

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

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

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

23 (b) The results of the elections held on the first
24 Tuesday after the first Monday of November 1988 concerning the

25 question of operation of the county on a countywide system of road
26 administration as set out in paragraph (a) of this
27 subsection * * * shall be forwarded by each county circuit clerk
28 to the Secretary of State, within fifteen (15) days of such
29 election. The Secretary of State shall certify these election
30 results after paragraph (a) of this subsection * * * has been
31 precleared under Section 5 of the Voting Rights Act of 1965, as
32 amended and extended.

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

53 (d) If in any election held in a county under paragraph
54 (a) of this subsection * * * a majority of the qualified electors
55 participating in the election vote against requiring the county to

56 operate under the countywide system of road administration, then
57 an election on such question may again be held at the November
58 general election in 1990 or at a regularly scheduled November
59 general election in any year thereafter, in any such county in
60 which the board of supervisors has not adopted a resolution as
61 provided in paragraph (c) of this subsection * * * and put into
62 operation the countywide system of road administration in
63 accordance with Section 19-2-3, upon a petition filed with the
64 board of supervisors and signed by at least fifteen percent (15%)
65 or one thousand five hundred (1,500) of the qualified electors of
66 that county, whichever is the lesser, asking for an election to
67 determine whether to require the county to operate under the
68 countywide system of road administration. Upon such petition
69 being filed the board of supervisors shall order an election to be
70 held on the question at the next November general election more
71 than sixty (60) days from the filing of the petition. Nothing in
72 this subsection shall authorize or permit the calling or holding
73 of any such election in a county more often than once every two
74 (2) years. The question to be presented to the electors at such
75 election shall be in the same manner and form as provided in
76 paragraph (a) of this subsection * * *. If a majority of the
77 qualified electors participating in any such election vote in
78 favor of requiring the county to operate under the countywide
79 system of road administration, then beginning October 1 of the
80 next year following such election, the county shall not be exempt
81 from and shall be subject to the provisions of Section 19-2-3 and
82 all other provisions of law requiring counties to operate under
83 the countywide system of road administration. If, on the other

84 hand, a majority of the qualified electors participating in any
85 such election vote against requiring the county to operate under
86 the countywide system of road administration, the county shall be
87 exempt from the provisions of Section 19-2-3 and all other
88 provisions of law requiring counties to operate under the
89 countywide system of road administration, and the board of
90 supervisors of that county may construct and maintain the county
91 roads and bridges on a road district basis, a beat system or any
92 other system authorized by any applicable provisions of general
93 law, or may, in its discretion and at any time, by resolution duly
94 adopted and entered on its minutes, require the county to operate
95 under the countywide system of road administration in accordance
96 with Section 19-2-3.

97 (2) (a) In the general election held on the first Tuesday
98 after the first Monday of November 2003, an election shall be held
99 in each county of the state that is required to operate on a
100 countywide system of road administration on the question of
101 whether the county wishes to return to the beat system of county
102 government. The ballot in such election shall have printed
103 thereon the question "Do you want to return to the beat system of
104 county government?" followed thereafter, on separate lines, with
105 the word "YES" and the word "NO" and with appropriate boxes
106 adjacent thereto in which the voters may indicate their
107 preference.

108 (b) The results of the elections held on the first
109 Tuesday after the first Monday of November 2003 concerning the
110 question of returning to the beat system of county government as
111 set out in paragraph (a) of this subsection shall be forwarded by

112 the circuit clerk of such counties to the Secretary of State,
113 within fifteen (15) days of the election, and the Secretary of
114 State shall certify these election results.

115 (c) If a majority of the qualified electors
116 participating in the election under paragraph (a) of this
117 subsection vote against returning to the beat system of county
118 government, then the county shall not be exempt from and shall
119 continue to be subject to the provisions of Section 19-2-3 and all
120 other provisions of law requiring counties to operate under the
121 countywide system of road administration. If, on the other hand,
122 a majority of the qualified electors participating in the election
123 vote in favor of returning to the county beat system of county
124 government, then the county shall be exempt from the provisions of
125 Section 19-2-3 and all other provisions of law requiring counties
126 to operate under the countywide system of road administration
127 beginning October 1, 2004, and the board of supervisors of that
128 county may construct and maintain the county roads and bridges on
129 a road district or beat system in accordance with any applicable
130 provisions of general law or may, in its discretion and at any
131 time, by resolution duly adopted and entered on its minutes,
132 require the county to operate on the countywide system of road
133 administration in accordance with Section 19-2-3.

134 (d) If in any election held in a county under paragraph
135 (a) of this subsection a majority of the qualified electors
136 participating in the election vote for returning to the beat
137 system of county government, then an election on such question may
138 again be held at the November general election in 2005 or at a
139 regularly scheduled November general election in any year

140 thereafter, in any such county in which the board of supervisors
141 has not adopted a resolution as provided in paragraph (c) of this
142 subsection and put into operation the countywide system of road
143 administration in accordance with Section 19-2-3, upon a petition
144 filed with the board of supervisors and signed by at least fifteen
145 percent (15%) or one thousand five hundred (1,500) of the
146 qualified electors of that county, whichever is the lesser, asking
147 for an election to determine whether to require the county to
148 operate under the countywide system of road administration. Upon
149 such petition being filed the board of supervisors shall order an
150 election to be held on the question at the next November general
151 election more than sixty (60) days from the filing of the
152 petition. Nothing in this subsection shall authorize or permit
153 the calling or holding of any such election in a county more often
154 than once every two (2) years. The ballot in such election shall
155 have printed thereon the question "Do you want to require the
156 county to operate under the countywide system of road
157 administration?" followed thereafter, on separate lines, with the
158 word "YES" and the word "NO" and with appropriate boxes adjacent
159 thereto in which the voters may indicate their preference. If a
160 majority of the qualified electors participating in any such
161 election vote in favor of requiring the county to operate under
162 the countywide system of road administration, then beginning
163 October 1 of the next year following such election, the county
164 shall not be exempt from and shall be subject to the provisions of
165 Section 19-2-3 and all other provisions of law requiring counties
166 to operate under the countywide system of road administration.
167 If, on the other hand, a majority of the qualified electors

168 participating in any such election vote against requiring the
169 county to operate under the countywide system of road
170 administration, the county shall be exempt from the provisions of
171 Section 19-2-3 and all other provisions of law requiring counties
172 to operate under the countywide system of road administration, and
173 the board of supervisors of that county may continue to construct
174 and maintain the county roads and bridges on a road district
175 basis, a beat system or any other system authorized by any
176 applicable provisions of general law, or may, in its discretion
177 and at any time, by resolution duly adopted and entered on its
178 minutes, require the county to operate under the countywide system
179 of road administration in accordance with Section 19-2-3.

180 (3) Once a county begins to operate under the countywide
181 system of road administration in accordance with Section 19-2-3,
182 whether as a result of an election held under this section or as a
183 result of a resolution adopted by the board of supervisors as
184 provided in under this section, then an election on such question
185 may again be held in any such county * * * at a regularly
186 scheduled November general election in any year during which
187 members of the boards of supervisors and state officials are
188 elected, upon a petition filed with the board of supervisors and
189 signed by at least fifteen percent (15%) or one thousand five
190 hundred (1,500) of the qualified electors of that county,
191 whichever is the lesser, asking for an election to determine
192 whether to require the county to continue to operate under the
193 countywide system of road administration. The question to be
194 presented to the electors at such election shall be "Do you want
195 to return to the beat system of county government?" If a majority

196 of the qualified electors participating in any such election vote
197 against returning to the beat system of county government, then
198 the county shall not be exempt from and shall continue to be
199 subject to the provisions of Section 19-2-3 and all other
200 provisions of law requiring counties to operate under the
201 countywide system of road administration. If, on the other hand,
202 a majority of the qualified electors participating in any such
203 election vote for returning to the beat system of county
204 government, then beginning October 1 of the next year following
205 such election, the county shall be exempt from the provisions of
206 Section 19-2-3 and all other provisions of law requiring counties
207 to operate under the countywide system of road administration, and
208 the board of supervisors of that county may construct and maintain
209 the county roads and bridges on a road district basis, a beat
210 system or any other system authorized by any applicable provisions
211 of general law, or may, in its discretion and at any time, by
212 resolution duly adopted and entered on its minutes, require the
213 county to operate under the countywide system of road
214 administration in accordance with Section 19-2-3.

215 SECTION 2. The Attorney General of the State of Mississippi
216 shall submit this act, immediately upon approval by the Governor,
217 or upon approval by the Legislature subsequent to a veto, to the
218 Attorney General of the United States or to the United States
219 District Court for the District of Columbia in accordance with the
220 provisions of the Voting Rights Act of 1965, as amended and
221 extended.

222 SECTION 3. This act shall take effect and be in force from
223 and after the date it is effectuated under Section 5 of the Voting

224 Rights Act of 1965, as amended and extended.