HOUSE BILL NO. 1194

AN ACT TO AMEND SECTION 19-3-79, MISSISSIPPI CODE OF 1972, TO AUTHORIZE VOTERS IN COUNTIES IN WHICH LEGAL GAMING IS CONDUCTED TO PETITION FOR AN ELECTION ON THE QUESTION OF CONTINUING LEGAL GAMING IN SUCH COUNTY; TO PROVIDE THE MANNER IN WHICH SUCH ELECTIONS SHALL BE CONDUCTED; TO PROVIDE THAT LEGAL GAMING SHALL BE DISCONTINUED WITHIN SIX MONTHS AFTER SUCH ELECTION IF A MAJORITY OF QUALIFIED ELECTORS WHO VOTE IN SUCH ELECTION VOTE AGAINST CONTINUING LEGAL GAMING; TO PROVIDE THAT AN ELECTION ON THE QUESTION OF CONTINUING LEGAL GAMING IN A COUNTY SHALL NOT BE CONDUCTED UNTIL THE NEXT SUCCEEDING GENERAL ELECTION IN WHICH THE ELECTION FOR PRESIDENT OF THE UNITED STATES OCCURS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 19-3-79, Mississippi Code of 1972, is amended as follows:

19-3-79. (1) Any person, corporation or other legal entity required to obtain a state gaming license to conduct legal gaming aboard a cruise vessel or vessel, as defined in Section 27-109-1, as prescribed by the Mississippi Gaming Control Act shall, before applying for such license, provide the Mississippi Gaming Commission with a written notice of intent to apply for a license. The "notice of intent to apply for a gaming license" shall be on a form prescribed by the executive director of the commission and shall state the county in which the intending licensee desires to conduct legal gaming aboard a cruise vessel or vessel, as the case may be. Within ten (10) days after receipt of a notice of intent to apply for a gaming license, the commission shall require such person, corporation or legal entity to publish the notice once each week for three (3) consecutive weeks in a newspaper having general circulation in the county in which the intending licensee desires to conduct legal gaming aboard a cruise vessel or vessel, as the case may be.
(2) If no petition as prescribed in subsection (3) of this section is filed with the board of supervisors of the applicable county within thirty (30) days after the date of the last publication, the board of supervisors of such county shall adopt a resolution stating that no petition was timely filed and that legal gaming may henceforth be conducted aboard cruise vessels or vessels, as the case may be, in such county.

(3) If a petition signed by twenty percent (20%) or fifteen hundred (1500), whichever is less, of the registered voters of a county in which a notice of intent to apply for a gaming license is published is filed within thirty (30) days of the date of the last publication with the circuit clerk of the applicable county, the board of supervisors of such county shall authorize the circuit clerk to hold an election on the proposition of allowing legal gaming to be conducted aboard cruise vessels or vessels, as the case may be, in the county on the date upon which such an election may be conducted under subsection (7). The referendum shall be advertised, held, conducted and the result thereof canvassed in the manner provided by law for advertising, holding and canvassing county elections.

(4) At such election, all qualified electors of such county may vote. The ballots used at such election shall have printed thereon a brief statement of the purpose of the election and the words "FOR LEGAL GAMING ABOARD CRUISE VESSELS (OR VESSELS) IN THE COUNTY AS PRESCRIBED BY LAW," and "AGAINST LEGAL GAMING ABOARD CRUISE VESSELS (OR VESSELS) IN THE COUNTY AS PRESCRIBED BY LAW."

The voter shall vote by placing a cross (x) or check (√) mark opposite his choice on the proposition. If a majority of the qualified electors who vote in such election shall vote in favor of allowing legal gaming to be conducted aboard cruise vessels or vessels, as the case may be, then legal gaming may henceforth be conducted aboard cruise vessels or vessels, as the case may be, in the county. If less than a majority of the qualified electors who
vote in such election shall vote in favor of allowing legal gaming to be conducted aboard cruise vessels or vessels, as the case may be, in the county, then gaming aboard cruise vessels or vessels, as the case may be, shall be prohibited in the county until such time as a subsequent election, held according to the restrictions specified in subsection (7), may authorize such legal gaming.

(5) In any county in which no petition is timely filed after a notice of intent to apply for a gaming license is published, or in which an election is held on the proposition of allowing legal gaming to be conducted aboard cruise vessels or vessels, as the case may be, in the county and a majority of the qualified electors who vote in such election vote in favor of allowing legal gaming to be conducted aboard cruise vessels or vessels, as the case may be, in the county, no election shall be held in that county pursuant to subsection (8) on the proposition of continuing to allow legal gaming to be conducted aboard cruise vessels or vessels, as the case may be, in that county until the date of the next succeeding general election in which the election for President of the United States occurs.

(6) Notwithstanding any provision of this section or Sections 97-33-1, 97-33-7, 97-33-17, 97-33-25 and 97-33-27 to the contrary, if an election is held pursuant to this section which causes the conducting of gaming aboard cruise vessels to be prohibited in any county in which one or more cruise vessels were operating out of a port in the county on the effective date of this chapter, the prohibition on the conducting of gaming aboard cruise vessels in that county shall not apply to the conducting of legal gaming aboard any of those cruise vessels which were still operating out of a port in that county at the time of the election.

(7) If an election has been held on the issue of allowing legal gaming to be conducted aboard cruise vessels or vessels, as the case may be, in a county, and the authority to conduct such
legal gaming has been denied by the electors of such county, then
a subsequent election on such issue may not be held until:

(a) The date of the next succeeding general election in
which the election for President of the United States occurs; or

(b) In the case in which the authority to conduct such
legal gaming has been denied by the electors of such county at
elections on three (3) different occasions, whether those
occasions be successive or not, the date of the next succeeding
general election occurring at least eight (8) years after the last
of the three (3) occasions on which the electors denied the
authority to conduct such legal gaming.

(8) Upon petition filed by at least fifteen hundred (1500)
or twenty percent (20%) of the qualified electors of a county in
which legal gaming has been allowed, whichever is less, an
election shall be held on the question of whether legal gaming
shall continue in the county.

Thirty (30) days notice of the election shall be given to the
qualified electors of the county, in the manner prescribed by law,
upon the question of continuing legal gaming in the county. Such
notice shall contain a statement of the question to be voted on at
the election. The ballots to be used in the election shall have
the following words printed thereon: "FOR CONTINUING LEGAL GAMING
ABOARD CRUISE VESSELS (OR VESSELS) IN THE COUNTY," and "AGAINST
CONTINUING LEGAL GAMING ABOARD CRUISE VESSELS (OR VESSELS) IN THE
COUNTY." The voter shall vote by placing a cross (x) or check (√)
mark opposite his choice on the proposition.

If a majority of electors voting in such election vote
against continuing legal gaming in the county, legal gaming shall
be discontinued in the county within six (6) months after such
election. If at such election a majority of the qualified
electors who vote in such election vote in favor of continuing
legal gaming aboard cruise vessels or vessels, as the case may be,
no election shall be held in that county on the proposition of
continuing to allow legal gaming to be conducted aboard cruise
vessels or vessels, as the case may be, in that county until the
date of the next succeeding general election in which the election
for President of the United States occurs.

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

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