

By: Representative Bowles

To: County Affairs

HOUSE BILL NO. 373

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 THAT 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.

