HOUSE BILL NO. 954

AN ACT TO AMEND SECTION 67-1-14, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A MUNICIPALITY THAT HAS VOTED TO PERMIT THE SALE, AND THE RECEIPT, STORAGE AND TRANSPORTATION FOR THE PURPOSE OF SALE, OF ALCOHOLIC BEVERAGES EXTENDS ITS BOUNDARIES INTO A COUNTY THAT HAS VOTED AGAINST COMING OUT FROM UNDER THE DRY LAW, THEN THE SALE, AND THE RECEIPT, STORAGE AND TRANSPORTATION FOR THE PURPOSE OF SALE, OF ALCOHOLIC BEVERAGES SHALL NOT BE PERMITTED IN THE PORTION OF SUCH MUNICIPALITY EXTENDED INTO SUCH A COUNTY UNLESS AUTHORIZED BY AN ELECTION HELD FOR THAT PURPOSE AFTER THE DATE THE BOUNDARIES OF SUCH MUNICIPALITY ARE EXTENDED INTO SUCH A COUNTY; TO AMEND SECTION 67-3-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A MUNICIPALITY THAT HAS VOTED TO PERMIT THE SALE, AND THE RECEIPT, STORAGE AND TRANSPORTATION FOR THE PURPOSE OF SALE, OF BEER OF AN ALCOHOLIC CONTENT OF NOT MORE THAN FIVE PERCENT BY WEIGHT EXTENDS ITS BOUNDARIES INTO A COUNTY THAT HAS VOTED AGAINST ALLOWING THE TRANSPORTATION, STORAGE, SALE, DISTRIBUTION, RECEIPT AND/OR MANUFACTURE OF BEER OF AN ALCOHOLIC CONTENT OF NOT MORE THAN FIVE PERCENT, THEN THE SALE, AND THE RECEIPT, STORAGE AND TRANSPORTATION FOR THE PURPOSE OF SALE, OF BEER OF AN ALCOHOLIC CONTENT OF NOT MORE THAN FIVE PERCENT BY WEIGHT SHALL NOT BE PERMITTED IN THE PORTION OF SUCH MUNICIPALITY EXTENDED INTO SUCH A COUNTY UNLESS AUTHORIZED BY AN ELECTION HELD FOR THAT PURPOSE AFTER THE DATE THE BOUNDARIES OF SUCH MUNICIPALITY ARE EXTENDED INTO SUCH A COUNTY; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 67-1-14, Mississippi Code of 1972, is amended as follows:

67-1-14. (1) The legalizing provisions of this chapter may be effective, applicable and operative in any municipality located in a county which has voted against coming out from under the dry law if a local option election shall be called and held in such municipality in the manner and with the results hereinafter provided.

(2) (a) Any municipality in this state having a population of not less than six thousand (6,000) according to the latest federal census, all or any portion of which is located within five (5) miles of the Tennessee-Tombigbee Waterway and which is located in a county which has voted against coming out from under the dry

H. B. No. 954 03/HR03/R1148 G1/2 PAGE 1 (CTE\LN)
law, may, at an election held for the purpose under the election laws applicable to such municipality, either prohibit or permit, except as otherwise provided under Section 67-9-1, the sale, and the receipt, storage and transportation for the purpose of sale, of alcoholic beverages. An election to determine whether such sale and possession shall be permitted in municipalities wherein its sale and possession is prohibited by law shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality asking for such election. In like manner, an election to determine whether such sale and possession shall be prohibited in municipalities wherein its sale is permitted by law shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality asking for such election. No election on either question shall be held by any one (1) municipality more often than once in two (2) years.

Thirty (30) days' notice shall be given to the qualified electors of such municipality, in the manner prescribed by law, upon the question of either permitting or prohibiting such sale and possession, such notice to 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 the legal sale of alcoholic liquors," and the words "Against the legal sale of alcoholic liquors" next below. In marking his ballot the voter shall make a cross (X) opposite the words of his choice. If in the election a majority of the qualified electors voting in the election shall vote "for the legal sale of alcoholic liquors," then the municipal governing authorities shall pass the necessary order permitting the legal sale of such alcoholic beverages in such municipality. If in the election a majority of
the qualified electors voting in the election shall vote "against the legal sale of alcoholic liquors," then the municipal governing authorities shall pass the necessary order prohibiting the sale of alcoholic beverages in such municipality.

(b) The provisions of this subsection shall also apply to any municipality having a population of not less than six thousand (6,000) according to the latest federal census, a portion of which is located in a county which has voted against coming out from under the dry law and a portion of which is located in a county which has voted in favor of coming out from under the dry law. For the purpose of determining whether or not such a municipality meets the threshold population of six thousand (6,000) which will qualify the municipality to hold an election under this subsection, the entire population of the municipality shall be considered; however, the election authorized in this subsection shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality who reside in that portion of the municipality located in a county which has voted against coming out from under the dry law and the election shall be held only in that portion of the municipality. In all other respects, the authority for the holding of elections and the manner in which such elections shall be conducted shall be as prescribed in paragraph (a) of this subsection; and, after proper certification of election results, the municipal governing authorities shall pass the appropriate order to permit or prohibit the legal sale of alcoholic beverages in that portion of the municipality located in a county which has voted against coming out from under the dry law.

If a municipality that has voted to permit the sale, and the receipt, storage and transportation for the purpose of sale, of alcoholic beverages extends its boundaries after July 1, 2003,
into a county that has voted against coming out from under the dry
law, then the sale, and the receipt, storage and transportation
for the purpose of sale, of alcoholic beverages shall not be
permitted in the portion of such municipality extended into such a
county unless authorized by an election held for that purpose
after the date the boundaries of such municipality are extended
into such a county. Such election shall be ordered by the
municipal governing authorities upon the presentation of a
petition to such governing authorities containing the names of at
least twenty percent (20%) of the duly qualified voters of such
municipality who reside in the portion of the municipality that
was extended into a county that has voted against coming out from
under the dry law, and the election shall be held only in such
portion of the municipality. In all other respects, the authority
for the holding of elections and the manner in which such
elections shall be conducted shall be as prescribed in paragraph
(a) of this subsection; and, after proper certification of
election results, the municipal governing authorities shall pass
the appropriate order to permit or prohibit the legal sale of
alcoholic beverages in the portion of the municipality that was
extended into a county that has voted against coming out from
under the dry law.

SECTION 2. Section 67-3-9, Mississippi Code of 1972, is
amended as follows:

67-3-9. Any city in this state, having a population of not
less than two thousand five hundred (2,500) according to the
latest federal census, at an election held for the purpose, under
the election laws applicable to such city, may either prohibit or
permit, except as otherwise provided under Section 67-9-1, the
sale and the receipt, storage and transportation for the purpose
of sale of beer of an alcoholic content of not more than five
percent (5%) by weight. An election to determine whether such
sale shall be permitted in cities wherein its sale is prohibited.
by law shall be ordered by the city council or mayor and board of
aldermen or other governing body of such city for such city only,
upon the presentation of a petition for such city to such
governing board containing the names of twenty percent (20%) of
the duly qualified voters of such city asking for such election.
In like manner, an election to determine whether such sale shall
be prohibited in cities wherein its sale is permitted by law shall
be ordered by the city council or mayor and board of aldermen or
other governing board of such city for such city only, upon the
presentation of a petition to such governing board containing the
names of twenty percent (20%) of the duly qualified voters of such
city asking for such election. No election on either question
shall be held by any one (1) city oftener than once in five (5)
years.

Thirty (30) days' notice shall be given to the qualified
electors of such city in the manner prescribed by law upon the
question of either permitting or prohibiting such sale, said
notice to contain a statement of the question to be voted on at
said election. The tickets to be used in said election shall have
the following words printed thereon: "For the legal sale of beer
of an alcoholic content of not more than five percent (5%) by
weight"; and the words "Against the legal sale of beer of an
alcoholic content of not more than five percent (5%) by weight,"
next below. In making up his ticket the voter shall make a cross
(X) opposite the words of his choice.

If in said election a majority of the qualified electors
voting in the election shall vote "For the legal sale of beer of
an alcoholic content of not more than five percent (5%) by
weight," then the city council or mayor and board of aldermen or
other governing body shall pass the necessary order permitting the
legal sale of such beer in such city. If in said election a
majority of the qualified electors voting in the election shall
vote "Against the legal sale of beer of an alcoholic content of
not more than five percent (5%) by weight," then the city council
or mayor and board of aldermen or other governing body shall pass
the necessary order prohibiting the sale of such beer in such
city.

If a municipality that has voted to permit the sale, and the
receipt, storage and transportation for the purpose of sale, of
beer of an alcoholic content of not more than five percent (5%) by
weight extends its boundaries after July 1, 2003, into a county
that has voted against permitting the transportation, storage,
sale, distribution, receipt and/or manufacture of beer of an
alcoholic content of not more than five percent (5%) by weight,
then the sale, and the receipt, storage and transportation for the
purpose of sale, of beer of an alcoholic content of not more than
five percent (5%) by weight shall not be permitted in the portion
of such municipality extended into such a county unless authorized
by an election held for that purpose after the date the boundaries
of such municipality are extended into such a county. Such
election shall be ordered by the municipal governing authorities
upon the presentation of a petition to such governing authorities
containing the names of at least twenty percent (20%) of the duly
qualified voters of such municipality who reside in the portion of
the municipality that was extended into a county that has voted
against permitting the transportation, storage, sale,
distribution, receipt and/or manufacture of beer of an alcoholic
content of not more than five percent (5%) by weight, and the
election shall be held only in such portion of the municipality.
In all other respects, the authority for the holding of elections
and the manner in which such elections shall be conducted shall be
as prescribed in this section; and, after proper certification of
election results, the municipal governing authorities shall pass
the necessary order to permit or prohibit the sale of beer in the
portion of the municipality that was extended into such a county.
All laws or parts of laws in conflict with this section are hereby repealed to the extent of such conflict only, this section being cumulative and supplementary.

**SECTION 3.** 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 4.** 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.