

By: Representative Lamar

To: State Affairs

HOUSE BILL NO. 1161

1 AN ACT TO AMEND SECTION 67-1-14, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT MUNICIPALITIES LOCATED IN COUNTIES THAT HAVE VOTED
3 AGAINST COMING OUT FROM UNDER THE DRY LAW MAY AUTHORIZE THE SALE
4 OF ALCOHOLIC BEVERAGES PURSUANT TO AN ELECTION; AND FOR RELATED
5 PURPOSES.

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

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

9 67-1-14. (1) The legalizing provisions of this article may
10 be effective, applicable and operative in any municipality located
11 in a county which has voted against coming out from under the dry
12 law if a local option election shall be called and held in such
13 municipality in the manner and with the results hereinafter
14 provided.

15 (2) (a) Any municipality in this state * * * that is
16 located in a county which has voted against coming out from under
17 the dry law * * * may, at an election held for the purpose under
18 the election laws applicable to such municipality, either prohibit
19 or permit, except as otherwise provided under Section 67-9-1, the



20 sale of alcoholic beverages. An election to determine whether
21 such sale shall be permitted in municipalities wherein its sale is
22 prohibited by law shall be ordered by the municipal governing
23 authorities upon the presentation of a petition to such governing
24 authorities containing the names of at least twenty percent (20%)
25 of the duly qualified voters of such municipality asking for such
26 election. In like manner, an election to determine whether such
27 sale shall be prohibited in municipalities wherein its sale is
28 permitted by law shall be ordered by the municipal governing
29 authorities upon the presentation of a petition to such governing
30 authorities containing the names of at least twenty percent (20%)
31 of the duly qualified voters of such municipality asking for such
32 election. No election on either question shall be held by any one
33 (1) municipality more often than once in two (2) years.

34 Thirty (30) days' notice shall be given to the qualified
35 electors of such municipality, in the manner prescribed by law,
36 upon the question of either permitting or prohibiting such sale,
37 such notice to contain a statement of the question to be voted on
38 at the election. The ballots to be used in the election shall
39 have the following words printed thereon: "For the legal sale of
40 alcoholic beverages" and the words "Against the legal sale of
41 alcoholic beverages" next below. In marking his ballot the voter
42 shall make a cross (X) opposite the words of his choice.

43 If in the election a majority of the qualified electors
44 voting in the election shall vote "for the legal sale of alcoholic



beverages," 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 beverages," 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 * * *, 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. * * * The petition to hold 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



70 in that portion of the municipality located in a county which has
71 voted against coming out from under the dry law.

72 (3) The governing authorities of a municipality that has
73 voted to come out from under the dry law after August 23, 2012,
74 may, by ordinance, provide that alcoholic beverages may be sold in
75 the municipality only by the holder of an on-premises retailer's
76 permit.

77 **SECTION 2.** This act shall take effect and be in force from
78 and after July 1, 2024.

