

By: Senator(s) Gollott

To: Finance

SENATE BILL NO. 2497
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 67-1-14, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ANY MUNICIPALITY HAVING A POPULATION OF NOT LESS THAT
3 5,000 ACCORDING TO THE LATEST FEDERAL CENSUS AND WHICH IS LOCATED
4 IN A COUNTY WHICH HAS VOTED AGAINST COMING OUT FROM UNDER THE DRY
5 LAW, OR ANY MUNICIPALITY THAT IS A COUNTY SEAT AND IS LOCATED IN A
6 COUNTY WHICH HAS VOTED AGAINST COMING OUT FROM UNDER THE DRY LAW,
7 MAY, AT AN ELECTION HELD FOR THAT PURPOSE, EITHER PROHIBIT OR
8 PERMIT THE SALE, AND THE RECEIPT, STORAGE AND TRANSPORTATION FOR
9 THE PURPOSE OF SALE, OF ALCOHOLIC BEVERAGES; TO AUTHORIZE
10 MUNICIPALITIES THAT HAVE VOTED TO COME OUT FROM UNDER THE DRY LAWS
11 AFTER THE EFFECTIVE DATE OF THIS ACT TO BY ORDINANCE PROVIDE THAT
12 ALCOHOLIC BEVERAGES MAY BE SOLD IN SUCH MUNICIPALITY ONLY BY THE
13 HOLDER OF AN ON-PREMISES RETAILER'S PERMIT; AND FOR RELATED
14 PURPOSES.

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

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

18 67-1-14. (1) The legalizing provisions of this chapter may
19 be effective, applicable and operative in any municipality located
20 in a county which has voted against coming out from under the dry
21 law if a local option election shall be called and held in such
22 municipality in the manner and with the results hereinafter
23 provided.

24 (2) (a) Any municipality in this state having a population
25 of not less than five thousand (5,000) according to the latest
26 federal census * * * and which is located in a county which has
27 voted against coming out from under the dry law, or any
28 municipality that is a county seat and which is located in a
29 county which has voted against coming out from under the dry law,
30 may, at an election held for the purpose under the election laws
31 applicable to such municipality, either prohibit or permit, except
32 as otherwise provided under Section 67-9-1, the sale, and the



33 receipt, storage and transportation for the purpose of sale, of
34 alcoholic beverages. An election to determine whether such sale
35 and possession shall be permitted in municipalities wherein its
36 sale and possession is prohibited by law shall be ordered by the
37 municipal governing authorities upon the presentation of a
38 petition to such governing authorities containing the names of at
39 least twenty percent (20%) of the duly qualified voters of such
40 municipality asking for such election. In like manner, an
41 election to determine whether such sale and possession shall be
42 prohibited in municipalities wherein its sale is permitted by law
43 shall be ordered by the municipal governing authorities upon the
44 presentation of a petition to such governing authorities
45 containing the names of at least twenty percent (20%) of the duly
46 qualified voters of such municipality asking for such election.
47 No election on either question shall be held by any one (1)
48 municipality more often than once in two (2) years.

49 Thirty (30) days' notice shall be given to the qualified
50 electors of such municipality, in the manner prescribed by law,
51 upon the question of either permitting or prohibiting such sale
52 and possession, such notice to contain a statement of the question
53 to be voted on at the election. The ballots to be used in the
54 election shall have the following words printed thereon: "For the
55 legal sale of alcoholic liquors" and the words "Against the legal
56 sale of alcoholic liquors" next below. In marking his ballot the
57 voter shall make a cross (X) opposite the words of his choice.

58 If in the election a majority of the qualified electors
59 voting in the election shall vote "for the legal sale of alcoholic
60 liquors," then the municipal governing authorities shall pass the
61 necessary order permitting the legal sale of such alcoholic
62 beverages in such municipality. If in the election a majority of
63 the qualified electors voting in the election shall vote "against
64 the legal sale of alcoholic liquors," then the municipal governing



65 authorities shall pass the necessary order prohibiting the sale of
66 alcoholic beverages in such municipality.

67 (b) The provisions of this subsection shall also apply
68 to any municipality having a population of not less than six
69 thousand (6,000) according to the latest federal census, a portion
70 of which is located in a county which has voted against coming out
71 from under the dry law and a portion of which is located in a
72 county which has voted in favor of coming out from under the dry
73 law. For the purpose of determining whether or not such a
74 municipality meets the threshold population of six thousand
75 (6,000) which will qualify the municipality to hold an election
76 under this subsection, the entire population of the municipality
77 shall be considered; however, the petition to hold the election
78 authorized in this subsection shall be ordered by the municipal
79 governing authorities upon the presentation of a petition to such
80 governing authorities containing the names of at least twenty
81 percent (20%) of the duly qualified voters of such municipality
82 who reside in that portion of the municipality located in a county
83 which has voted against coming out from under the dry law and the
84 election shall be held only in that portion of the municipality.
85 In all other respects, the authority for the holding of elections
86 and the manner in which such elections shall be conducted shall be
87 as prescribed in paragraph (a) of this subsection; and, after
88 proper certification of election results, the municipal governing
89 authorities shall pass the appropriate order to permit or prohibit
90 the legal sale of alcoholic beverages in that portion of the
91 municipality located in a county which has voted against coming
92 out from under the dry law.

93 (3) The governing authorities of a municipality that has
94 voted to come out from under the dry laws after the effective date
95 of this act may, by ordinance, provide that alcoholic beverages
96 may be sold in the municipality only by the holder of an
97 on-premises retailer's permit.



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

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

