4/23 4:00p

Chapter No. 462
12/SS01/R959SG
JN ITB/Ec

SENATE BILL NO. 2497

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2497

AN ACT TO AMEND SECTION 67-1-14, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY MUNICIPALITY HAVING A POPULATION OF NOT LESS THAT 5,000 ACCORDING TO THE LATEST FEDERAL CENSUS AND WHICH IS LOCATED IN A COUNTY WHICH HAS VOTED AGAINST COMING OUT FROM UNDER THE DRY LAW, OR ANY MUNICIPALITY THAT IS A COUNTY SEAT AND IS LOCATED IN A COUNTY WHICH HAS VOTED AGAINST COMING OUT FROM UNDER THE DRY LAW, MAY, AT AN ELECTION HELD FOR THAT PURPOSE, EITHER PROHIBIT OR PERMIT THE SALE, AND THE RECEIPT, STORAGE AND TRANSPORTATION FOR THE PURPOSE OF SALE, OF ALCOHOLIC BEVERAGES; TO AUTHORIZE MUNICIPALITIES THAT HAVE VOTED TO COME OUT FROM UNDER THE DRY LAWS AFTER THE EFFECTIVE DATE OF THIS ACT TO BY ORDINANCE PROVIDE THAT ALCOHOLIC BEVERAGES MAY BE SOLD IN SUCH MUNICIPALITY ONLY BY THE HOLDER OF AN ON-PREMISES RETAILER'S PERMIT; 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 five thousand (5,000) according to the latest federal census * * * and which is located in a county which has voted against coming out from under the dry law, or any municipality that is a county seat and which is located in a county which has voted against coming out from under the dry 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 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 in that portion of the municipality located in a county which has voted against coming out from under the dry law.

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

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.

PASSED BY THE SENATE
March 13, 2012

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 4, 2012

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

4:00pm