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Chapter No. 329
18/HR43/R751.3
TD/CST

HOUSE BILL NO. 392

Originated in House _____ Clerk

HOUSE BILL NO. 392

AN ACT TO AMEND SECTION 21-3-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A MUNICIPALITY WITH A POPULATION OF 10,000 OR MORE, DURING A CERTAIN TIME PERIOD, TO ELECT FIVE ALDERMEN RATHER THAN SEVEN ALDERMEN; TO REQUIRE THAT THE GOVERNING AUTHORITIES OF THE MUNICIPALITY TO ADOPT A RESOLUTION DECLARING THEIR INTENTION TO INCREASE THE NUMBER OF ALDERMEN AND PUBLISH THE RESOLUTION IN A NEWSPAPER PUBLISHED IN THE MUNICIPALITY; TO PROVIDE THAT IF 10% OR 1,500, WHICHEVER IS LESS, OF THE QUALIFIED ELECTORS OF THE MUNICIPALITY FILE A PETITION PROTESTING THE INCREASE IN THE NUMBER OF ALDERMEN, THE GOVERNING AUTHORITIES SHALL CALL AN ELECTION REGARDING SUCH INCREASE; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 21-3-7, Mississippi Code of 1972, is amended as follows:

21-3-7. (1) Except as provided in subsection (3) of this section, in all municipalities having a population of less than ten thousand (10,000) according to the latest available federal census, there shall be five (5) aldermen, which aldermen may be elected from the municipality at large, or, in the discretion of the municipal authority, the municipality may be divided into four (4) wards, with one (1) alderman to be selected from each ward and

one (1) from the municipality at large. On a petition of twenty percent (20%) of the qualified electors of any such municipality, the provisions of this section as to whether or not the aldermen shall be elected from wards or from the municipality at large shall be determined by the vote of the majority of the qualified electors of the municipality voting in a special election called for that purpose. All aldermen shall be selected by vote of the entire electorate of the municipality. Those municipalities which determine to select one (1) alderman from each of the four (4) wards shall select one (1) from the candidates for alderman from each particular ward who shall be a resident of said ward by majority vote of the entire electorate of the municipality.

(2) Except as provided in subsection (4) of this section, in all municipalities having a population of ten thousand (10,000) or more, according to the latest available federal census, there shall be seven (7) aldermen, which aldermen may be elected from the municipality at large, or, in the discretion of the municipal authority, the municipality may be divided into six (6) wards, with one (1) alderman to be selected from each ward and one (1) from the municipality at large. On a petition of twenty percent (20%) of the qualified electors of any such municipality, the provisions of this section as to whether or not the aldermen shall be elected from wards or from the municipality at large shall be determined by the vote of the majority of the qualified electors of the municipality voting in a special election called for that

purpose. This section in no way affects the number of aldermen, councilmen, or commissioners of any city operating under a special charter. All aldermen shall be selected by vote of the entire electorate of the municipality. Those municipalities which determine to select one (1) alderman from each of the six (6) wards shall select one (1) of the candidates for alderman from each particular ward by majority vote of the entire electorate of the municipality.

(3) In any municipality having a population of five hundred (500) or less according to the latest available federal census, there may be three (3) aldermen. The change from five (5) aldermen to three (3) aldermen shall be approved by a majority of the qualified electors of the municipality voting in a special election held for this purpose.

(4) If a municipality has a population according to the 2010 federal decennial census that is less than ten thousand (10,000) and whose population according to the 2020 federal decennial census is ten thousand (10,000) or more, the municipality may elect to continue with five (5) aldermen and not increase to seven (7) aldermen by the adoption of a resolution by a majority of the board of aldermen expressing the intent to continue with five (5) aldermen and not increase to seven (7) aldermen. Before the adoption of such resolution, the proposed resolution shall be published for three (3) consecutive weeks in at least one (1) newspaper published in the municipality. The first publication of

such resolution shall be made not less than twenty-one (21) days prior to the date fixed in such resolution for the adoption of the same and the last publication shall be made not more than seven (7) days prior to such date. If no newspaper be published in the municipality, then such notice shall be given by publishing the resolution for the required time in some newspaper having a general circulation in such municipality and, in addition, by posting a copy of such resolution for at least twenty-one (21) days next preceding the date fixed to adopt the resolution at three (3) public places in such municipality. If ten percent (10%) of the qualified electors of the municipality or fifteen hundred (1,500) whichever is lesser, shall file a written protest against the resolution on or before the date specified in the resolution, then an election on the question shall be called. Notice of such election shall be signed by the clerk of the municipality and shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper published in the municipality. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed for such election and the last publication shall be made not more than seven (7) days prior to such date. If no newspaper be published in the municipality, then such notice shall be given by publishing the same for the required time in some newspaper having a general circulation in such municipality and, in addition, by posting a copy of such notice for at least twenty-one (21) days

next preceding the date fixed to adopt the resolution at three (3) public places in such municipality. At the election, all qualified electors of such municipality may vote, and the ballots used in the election shall have printed thereon a brief statement of the purpose of the increase in the number of aldermen and the words "FOR THE INCREASE IN THE NUMBER OF ALDERMEN FROM 5 TO 7" and on a separate line, "AGAINST THE INCREASE IN NUMBER OF ALDERMEN FROM 5 TO 7" and the voters shall vote by placing a cross (X) or check (✓) opposite their choice on the proposition. The results of the election shall be certified by the municipal election commissions and spread on the minutes of the municipality. If a majority of electors who voted in the election vote in favor of maintaining five (5) aldermen and not increasing the number to seven (7) aldermen, the number of aldermen shall remain at five (5) and shall not be increased except by special election called for such purpose. If a majority of electors who voted in the election vote against maintaining five (5) aldermen and in favor of increasing the number to seven (7) aldermen, the number of aldermen for such municipality shall be increased to seven (7) aldermen and the number shall not be decreased except by act of the Legislature.

SECTION 2. This act shall take effect and be in force from and after July 1, 2018.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 6, 2018

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
February 28, 2018

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

March 8, 2018
10:16 Am