

By: Representative Broomfield

To: Municipalities

HOUSE BILL NO. 378
(As Passed the House)

1 AN ACT TO AMEND SECTIONS 21-3-7 AND 21-3-13, MISSISSIPPI CODE
2 OF 1972, TO PROVIDE THAT IN CERTAIN MUNICIPALITIES THE ALDERMAN
3 THAT IS ELECTED FROM THE MUNICIPALITY AT LARGE SHALL SERVE AS THE
4 MAYOR PRO TEMPORE; AND FOR RELATED PURPOSES.

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

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

8 21-3-7. In all municipalities having a population of less
9 than ten thousand (10,000) according to the latest available
10 federal census, there shall be five (5) aldermen, which aldermen
11 may be elected from the municipality at large, or, in the
12 discretion of the municipal authority, the municipality may be
13 divided into four (4) wards, with one (1) alderman to be selected
14 from each ward and one (1) from the municipality at large. On a
15 petition of twenty percent (20%) of the qualified electors of any
16 such municipality, the provisions of this section as to whether or
17 not the aldermen shall be elected from wards or from the
18 municipality at large shall be determined by the vote of the
19 majority of such qualified electors of such municipality voting in
20 a special election called for that purpose. All aldermen shall be
21 selected by vote of the entire electorate of the municipality.
22 Those municipalities which determine to select one (1) alderman
23 from each of the four (4) wards shall select, by majority vote of
24 the entire electorate of the municipality, one (1) from the
25 candidates for alderman from each particular ward who shall be a
26 resident of the ward * * *.

27 In all municipalities having a population of ten thousand

28 (10,000) or more, according to the latest available federal
29 census, there shall be seven (7) aldermen, which aldermen may be
30 elected from the municipality at large, or, in the discretion of
31 the municipal authority, the municipality may be divided into six
32 (6) wards, with one (1) alderman to be selected from each ward and
33 one (1) from the municipality at large. On a petition of twenty
34 percent (20%) of the qualified electors of any such municipality,
35 the provisions of this section as to whether or not the aldermen
36 shall be elected from wards or from the municipality at large
37 shall be determined by the vote of the majority of such qualified
38 electors of such municipality voting in a special election called
39 for that purpose. This section in no way affects the number of
40 aldermen, councilmen, or commissioners of any city operating under
41 a special charter. All aldermen shall be selected by vote of the
42 entire electorate of the municipality. Those municipalities which
43 determine to select one (1) alderman from each of the six (6)
44 wards shall select one (1) of the candidates for alderman from
45 each particular ward by majority vote of the entire electorate of
46 the municipality.

47 In any municipality, bordering on the Escatawpa River, having
48 an aldermanic commission form of government and having a
49 population of not less than seventeen thousand eight hundred
50 thirty-seven (17,837) according to the 1990 federal census, and
51 which determines to select one (1) alderman from each of the six
52 (6) wards and one (1) alderman from the municipality at large, the
53 alderman elected from the municipality at large shall serve as the
54 mayor pro tempore of the municipality.

55 SECTION 2. Section 21-3-13, Mississippi Code of 1972, is
56 amended as follows:

57 21-3-13. (1) The board of aldermen shall elect from among
58 its members a mayor pro tempore, who shall serve in the place of
59 the mayor in cases of temporary absence or disability of the
60 mayor.

61 (2) In any municipality, bordering on the Escatawpa River,
62 having an aldermanic commission form of government and having a
63 population of not less than seventeen thousand eight hundred
64 thirty-seven (17,837) according to the 1990 federal census, and
65 which determines to select one (1) alderman from each of the six
66 (6) wards and one (1) alderman from the municipality at large, the
67 alderman elected from the municipality at large shall serve as the
68 mayor pro tempore of the municipality.

69 SECTION 3. This act shall take effect and be in force from
70 and after July 1, 1999.