

By: Representative Denny

To: Municipalities

HOUSE BILL NO. 531

1 AN ACT TO ESTABLISH A METHOD FOR THE DISSOLUTION OF CERTAIN
2 MUNICIPAL CORPORATIONS; AND FOR RELATED PURPOSES.

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

4 SECTION 1. Any municipal corporation having a population of
5 more than one hundred thousand (100,000) according to the 1990
6 Federal Census may be abolished and dissolved in the manner
7 hereinafter provided. The municipality may be abolished by a
8 referendum called by a petition of the voters or an ordinance
9 calling for such a referendum. In order to abolish or dissolve
10 such a municipality, the mayor and councilmen shall first adopt an
11 ordinance calling for an election to abolish or dissolve the
12 municipality, which ordinance shall set forth in full the reason
13 or reasons why the municipality should be abolished and why the
14 public convenience and necessity would be served by the abolition
15 of the municipality.

16 Upon presentation and filing of a proper petition requesting
17 a referendum signed by at least five percent (5%) of the qualified
18 electors of the municipality or adoption of an ordinance, it shall
19 be the duty of the council to call an election at which there
20 shall be submitted to the qualified electors of the municipality
21 the question of whether or not the municipality should be
22 abolished and dissolved. The election shall be held and conducted
23 by the municipal election commissioners on a date fixed by the
24 order of the council, which date shall not be more than sixty (60)
25 days from the date of the filing of the petition or order. Notice
26 of the election shall be given by publishing the notice once each

27 week for at least three (3) consecutive weeks in a newspaper
28 published in the municipality. The election shall be held not
29 earlier than fifteen (15) days from the first publication in the
30 municipality.

31 The election shall be held and conducted as far as may be
32 possible in the same manner as provided by law for the holding of
33 general elections. The ballots used at the election shall contain
34 a brief statement of the proposition submitted and, on separate
35 lines, the words "I vote FOR abolishing and dissolving the
36 municipality" and "I vote AGAINST abolishing and dissolving the
37 municipality," with appropriate boxes in which the voters may
38 express their choice. All qualified electors may vote by marking
39 the ballot with a cross (x) or check () mark opposite the words
40 of their choice.

41 The election commissioners shall canvass and determine the
42 results of the election and shall certify the results to the
43 council, which shall adopt and spread upon its minutes an order
44 declaring the results. If, in the election, a majority of the
45 qualified electors participating shall vote in favor of the
46 proposition, then the council shall take the necessary steps to
47 abolish and dissolve the municipality and shall forward a
48 certified notice to the Secretary of State.

49 Whenever the municipal corporation is abolished, the council
50 shall forward to the Secretary of State a certified copy of the
51 action, which shall be filed in the office of the Secretary of
52 State and remain a permanent record of the office. The Secretary
53 of State shall note on his official records pertaining to the
54 municipal corporation the fact that the corporation has been
55 abolished.

56 SECTION 2. The Attorney General of the State of Mississippi
57 is hereby directed to submit this act, immediately upon approval
58 by the Governor, or upon approval by the Legislature subsequent to
59 a veto, to the Attorney General of the United States or to the
60 United States District Court for the District of Columbia in
61 accordance with the provisions of the Voting Rights Act of 1965,
62 as amended and extended.

63 SECTION 3. This act shall take effect and be in force from

64 and after the date it is effectuated under Section 5 of the Voting
65 Rights Act of 1965, as amended and extended.