

By: Representative Shows

To: Municipalities;  
County Affairs

## HOUSE BILL NO. 1059

1 AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF SUPERVISORS OF  
2 THE COUNTY IN WHICH A MUNICIPALITY IS LOCATED BEFORE THE EXTENSION  
3 OF THE CORPORATE LIMITS OF ANY MUNICIPALITY; TO REQUIRE A PETITION  
4 REQUESTING AN ANNEXATION TO BE SUBMITTED BY A MAJORITY OF THE  
5 FREEHOLDERS WITHIN THE MUNICIPALITY BEFORE AN ELECTION SHALL BE  
6 HELD; TO REQUIRE CERTIFICATION OF THE PETITION SIGNATURES; TO  
7 REQUIRE NOTICE OF THE ELECTION TO BE PUBLISHED; TO PRESCRIBE  
8 PROCEDURES FOR CONDUCTING THE ELECTION; TO PROVIDE FOR THE  
9 CERTIFICATION AND PUBLICATION OF THE RESULTS OF THE ELECTION; TO  
10 REQUIRE THE FILING OF NOTICE OF THE DESCRIPTION OF THE  
11 MUNICIPALITY'S NEW BOUNDARIES WITH THE SECRETARY OF STATE; TO  
12 REPEAL SECTIONS 21-1-27 THROUGH 21-1-39, MISSISSIPPI CODE OF 1972,  
13 WHICH RELATE TO THE EXTENSION OR CONTRACTION OF CORPORATE  
14 BOUNDARIES; TO AMEND SECTION 21-1-41, MISSISSIPPI CODE OF 1972, IN  
15 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

17 SECTION 1. The governing authorities of any municipality may  
18 extend the corporate limits of the municipality in the manner set  
19 forth in this act.

20 SECTION 2. To effect any such extension, a petition shall  
21 first be submitted to the board of supervisors of the county in  
22 which the municipality is located by a majority of the freeholders  
23 within the municipality, accompanied by an adequate description of  
24 the territory to be annexed, praying that an election be ordered  
25 to see if the territory shall be included in the municipality.

26 SECTION 3. If the board of supervisors shall find that the  
27 petition filed under Section 2 of this act has been signed by a  
28 majority of the freeholders of the municipality, it may certify  
29 that fact to the county election commissioners of the county in  
30 which the municipality is situated. The territory shall not be  
31 annexed until certification is made by the board of supervisors  
32 and an election is held in accordance with this act. If

33 certified, the county election commissioners shall order an  
34 election to be held within the corporate limits of the  
35 municipality and within the territory proposed to be annexed to  
36 such municipality, on the same date, on the question of extension  
37 of the corporate limits of the municipality by annexation of the  
38 territory proposed to be annexed.

39 SECTION 4. The county election commissioners shall give at  
40 least ten (10) days' notice before the date set for the election  
41 by notice signed by the county election commissioners and posted  
42 in three (3) conspicuous places within the corporate limits of the  
43 municipality and also three (3) conspicuous places within the  
44 territory proposed to be annexed to the municipality and by  
45 similar notice published ten (10) days before the time set for  
46 such election in a newspaper of general circulation within the  
47 corporate limits of the municipality and within the territory  
48 proposed to be annexed to the municipality.

49 SECTION 5. The election ordered shall be a special election  
50 and not a municipal election and shall be held, regulated and  
51 conducted in accordance with the laws governing elections in this  
52 state, except as otherwise provided in this act. Registered  
53 qualified electors residing within the corporate limits of the  
54 municipality and registered qualified electors residing within the  
55 territory proposed to be annexed to the municipality shall have  
56 the same qualifications to vote in the election as are required of  
57 registered qualified electors to vote in state and county general  
58 elections. At the election the registered qualified electors  
59 residing within the corporate limits of the municipality shall  
60 vote at the usual voting precincts of the municipality in boxes  
61 provided for that purpose, and the registered qualified electors  
62 residing within the territory proposed to be annexed to the named  
63 municipality shall vote in a separate box or boxes to be provided  
64 for that purpose within the territory proposed to be annexed and  
65 in a precinct or precincts to be designated in the territory by  
66 the county election commissioners.

67 SECTION 6. The votes cast in the election within the  
68 corporate limits of the municipality and the votes cast within the  
69 territory proposed to be annexed to the named municipality shall

70 be counted separately and the results of the election declared  
71 separately. The county election commissioners shall certify the  
72 results of the election to the governing body of the municipality.

73 If a majority of the votes cast by the qualified electors of the  
74 municipality and of the territory proposed to be annexed, each  
75 aggregated separately, shall each be in favor of the annexation or  
76 if neither gives a majority against the annexation, then the  
77 governing body shall publish the result of the election and  
78 declare the annexed territory a part of the municipality.

79 SECTION 7. Any municipality increasing its territory shall  
80 file a notice with the Secretary of State describing its new  
81 boundaries. The notice shall include a written description of the  
82 boundary, along with a map or plat which clearly defines the new  
83 territory added.

84 SECTION 8. Section 21-1-41, Mississippi Code of 1972, is  
85 amended as follows:

86 21-1-41. In all cases where the limits of a municipality are  
87 enlarged \* \* \* the municipal authorities shall furnish to the  
88 chancery clerk a map or plat of the boundaries of the municipality  
89 as altered. Such map or plat shall be recorded in the official  
90 plat book of the county.

91 SECTION 9. Sections 21-1-27, 21-1-29, 21-1-31, 21-1-33,  
92 21-1-35, 21-1-37 and 21-1-39, Mississippi Code of 1972, which  
93 relate to the extension or contraction of corporate boundaries,  
94 are repealed.

95 SECTION 10. The Attorney General of the State of Mississippi  
96 shall submit this act, immediately upon approval by the Governor,  
97 or upon approval by the Legislature subsequent to a veto, to the  
98 Attorney General of the United States or to the United States  
99 District Court for the District of Columbia in accordance with the  
100 provisions of the Voting Rights Act of 1965, as amended and  
101 extended.

102 SECTION 11. This act shall take effect and be in force from

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