HOUSE CONCURRENT RESOLUTION NO. 23

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE
MISSISSIPPI CONSTITUTION OF 1890, TO CREATE A NEW SECTION TO
REQUIRE A SPECIAL ELECTION TO BE HELD IN THE PROPOSED ANNEXED AREA
OF A COUNTY BEFORE THE GOVERNING AUTHORITIES OF A MUNICIPALITY OF
THE COUNTY MAY ENLARGE THE CORPORATE BOUNDARIES OF THE
MUNICIPALITY; TO PRESCRIBE THE PROCEDURE FOR CONDUCTING SUCH AN
ELECTION; AND FOR RELATED PURPOSES.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
MISSISSIPPI, That the following amendment to the Mississippi
Constitution of 1890 is proposed to the qualified electors of the
state:

Amend the Mississippi Constitution of 1890 by creating a new
section to read as follows:

"Section . (1) If the governing authorities of any
municipality desire to enlarge the boundaries thereof by adding
adjacent unincorporated territory, the governing authorities of
such municipality shall pass a resolution defining with certainty
the territory proposed to be included in the corporate limits, and
also defining the entire boundary as changed. The resolution
shall describe in general terms the proposed improvements to be
made in the annexed territory, the manner and extent of the
improvements, and the approximate time within which the
improvements are to be made. The resolution also shall contain a
statement of the municipal or public services that such
municipality proposes to render in the annexed territory.

(2) After the passage of the resolution, the board of
supervisors of the county in which the territory proposed to be
annexed is located shall hold a special election on the question
of the proposed annexation. The election shall be held within
sixty (60) days after passage of the municipal resolution. Notice
of the election shall be published in a newspaper having a general
circulation in the territory of the county proposed to be annexed
once a week for three (3) consecutive weeks before the election,
and the first publication shall be made not less than twenty-one
(21) days before the election. The election shall be held in the
same manner as are other county elections. Only those electors
residing in the proposed annexed area may vote in the election. A
majority of those voting in the election must vote in favor of the
proposed annexation in order for the annexation to be approved.
The results of the election shall be certified by the election
commissioners of the county and shall be the final decision on the
issue of annexation. If there are no qualified electors residing
in the area proposed to be annexed, then no election shall take
place and the annexation proceedings shall take place in
accordance with the laws and statutes that were in effect
immediately before the adoption of this amendment.

(3) No election may be held on the question of annexation in
a county or municipality more often than once each three (3)
years.

(4) The provisions of this section shall be self-executing
and shall govern the manner and procedure for authorizing
annexation of additional territory by a municipality
notwithstanding the provisions of any general law or statute to
the contrary.

(5) The provisions of this section shall be applicable to
any municipal annexation proceedings begun on or after January 1,
2003, as well as to such proceedings that began before such date
which may be still pending in any judicial proceeding or appeal of
such proceeding."

BE IT FURTHER RESOLVED, That this proposed amendment shall be
submitted by the Secretary of State to the qualified electors at
an election to be held on the first Tuesday after the first Monday
of November of 2002, as provided by Section 273 of the Constitution and by general law.

BE IT FURTHER RESOLVED, That the explanation of this proposed amendment for the ballot shall read as follows: "This proposed constitutional amendment provides that before the governing authorities of a municipality may enlarge the corporate limits of the municipality, a special election must be held approving the annexation in the territory proposed to be annexed. The amendment also prescribes the procedure for conducting the election."

BE IT FURTHER RESOLVED, That the Attorney General of the State of Mississippi shall submit this resolution, immediately upon adoption by the Legislature, 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.