

By: Representative Denny

To: Municipalities

HOUSE BILL NO. 9

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION
2 21-1-54, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ANY MUNICIPALITY
3 HAVING A POPULATION OF AT LEAST 100,000 TO BE ABOLISHED AND
4 DISSOLVED UPON APPROVAL BY A MAJORITY OF THE QUALIFIED ELECTORS OF
5 THE MUNICIPALITY IN AN ELECTION HELD FOR SUCH PURPOSE; TO
6 PRESCRIBE THE MANNER AND PROCEDURE FOR CONDUCTING SUCH AN
7 ELECTION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The following shall be codified as Section
10 21-1-54, Mississippi Code of 1972:

11 21-1-54. (1) Any municipal corporation having a population
12 of more than one hundred thousand (100,000), according to the
13 latest federal decennial census, may be abolished and dissolved
14 upon approval by the municipal electors at a referendum called for
15 such purpose. The referendum may be called by a resolution
16 adopted by the municipal governing authorities or by petition of
17 the municipal electors. If a resolution is adopted calling for
18 such a referendum, the resolution must set forth in full the
19 reason or reasons why the municipality should be abolished and why
20 the public convenience and necessity would be served by the
21 abolition of the municipality. A referendum may be called by the
22 municipal electors upon the presentation and filing with the
23 municipal governing authorities of a petition requesting a
24 referendum signed by at least five percent (5%) of the qualified
25 electors of the municipality.

26 (2) Upon the adoption of a resolution or the filing of a
27 petition under subsection (1) of this section, it shall be the
28 duty of the governing authorities of the municipality to call an
29 election at which there shall be submitted to the qualified



30 electors of the municipality the question of whether or not the
31 municipality should be abolished and dissolved. The election
32 shall be held and conducted by the municipal election
33 commissioners on a date fixed by order of the governing
34 authorities of the municipality, which date shall not be more than
35 sixty (60) days from the date of the filing of the petition or
36 adoption of the resolution. Notice of the election shall be given
37 by publishing the notice once each week for at least three (3)
38 consecutive weeks in a newspaper published or having a general
39 circulation in the municipality. The election shall be held not
40 earlier than fifteen (15) days from the first publication of the
41 notice.

42 (3) An election held under the provisions of this section
43 shall be held and conducted, as nearly as practicable, in the same
44 manner as provided by law for the holding of general elections.
45 The ballots used at the election shall contain a brief statement
46 of the proposition submitted and, on separate lines, the words "I
47 vote FOR abolishing and dissolving the municipality" and "I vote
48 AGAINST abolishing and dissolving the municipality," with
49 appropriate boxes in which the voters may express their choice.
50 All qualified electors of the municipality may vote by marking the
51 ballot with a cross (x) or check mark (√) opposite the words of
52 their choice.

53 (4) The election commissioners shall canvass and determine
54 the results of an election held under this section and shall
55 certify the results to the governing authorities of the
56 municipality, which shall adopt and spread upon its minutes an
57 order declaring the results. If a majority of the qualified
58 electors participating in the election vote in favor of the
59 proposition, then the governing authorities shall take the
60 necessary steps to abolish and dissolve the municipality and shall
61 forward a certified notice to the Secretary of State.



62 (5) Whenever a municipal corporation is abolished under the
63 provisions of this section, the governing authorities shall
64 forward to the Secretary of State a certified copy of the action,
65 which shall be filed in the Office of the Secretary of State and
66 remain a permanent record of the office. The Secretary of State
67 shall note on his official records pertaining to the municipal
68 corporation the fact that the corporation has been abolished.

69 **SECTION 2.** The Attorney General of the State of Mississippi
70 shall submit this act, immediately upon approval by the Governor,
71 or upon approval by the Legislature subsequent to a veto, to the
72 Attorney General of the United States or to the United States
73 District Court for the District of Columbia in accordance with the
74 provisions of the Voting Rights Act of 1965, as amended and
75 extended.

76 **SECTION 3.** This act shall take effect and be in force from
77 and after the date it is effectuated under Section 5 of the Voting
78 Rights Act of 1965, as amended and extended.

