HOUSE BILL NO. 392

1   AN ACT TO AMEND SECTION 21-3-7, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE A MUNICIPALITY WITH A POPULATION OF 10,000 OR MORE,
3 DURING A CERTAIN TIME PERIOD, TO ELECT FIVE ALDERMEN RATHER THAN
4 SEVEN ALDERMEN; TO REQUIRE THAT THE GOVERNING AUTHORITIES OF THE
5 MUNICIPALITY TO ADOPT A RESOLUTION DECLARING THEIR INTENTION TO
6 INCREASE THE NUMBER OF ALDERMEN AND PUBLISH THE RESOLUTION IN A
7 NEWSPAPER PUBLISHED IN THE MUNICIPALITY; TO PROVIDE THAT IF 10% OR
8 1,500, WHICHEVER IS LESS, OF THE QUALIFIED ELECTORS OF THE
9 MUNICIPALITY FILE A PETITION PROTESTING THE INCREASE IN THE NUMBER
10 OF ALDERMEN, THE GOVERNING AUTHORITIES SHALL CALL AN ELECTION
11 REGARDING SUCH INCREASE; AND FOR RELATED PURPOSES.

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

13   **SECTION 1.** Section 21-3-7, Mississippi Code of 1972, is

14 amended as follows:

15   21-3-7. (1) Except as provided in subsection (3) of this

16 section, in all municipalities having a population of less than

17 ten thousand (10,000) according to the latest available federal

18 census, there shall be five (5) aldermen, which aldermen may be

19 elected from the municipality at large, or, in the discretion of

20 the municipal authority, the municipality may be divided into four

21 (4) wards, with one (1) alderman to be selected from each ward and

22 one (1) from the municipality at large. On a petition of twenty

23 percent (20%) of the qualified electors of any such municipality,

24 the provisions of this section as to whether or not the aldermen

25 shall be elected from wards or from the municipality at large

26 shall be determined by the vote of the majority of the qualified

27 electors of the municipality voting in a special election called

28 for that purpose. All aldermen shall be selected by vote of the

29 entire electorate of the municipality. Those municipalities which

30 determine to select one (1) alderman from each of the four (4)

31 wards shall select one (1) from the candidates for alderman from

32 each particular ward who shall be a resident of said ward by

33 majority vote of the entire electorate of the municipality.

34   (2) Except as provided in subsection (4) of this section, in

35 all municipalities having a population of ten thousand (10,000) or

36 more, according to the latest available federal census, there

37 shall be seven (7) aldermen, which aldermen may be elected from

38 the municipality at large, or, in the discretion of the municipal

39 authority, the municipality may be divided into six (6) wards,

40 with one (1) alderman to be selected from each ward and one (1)

41 from the municipality at large. On a petition of twenty percent

42 (20%) of the qualified electors of any such municipality, the

43 provisions of this section as to whether or not the aldermen shall

44 be elected from wards or from the municipality at large shall be

45 determined by the vote of the majority of the qualified electors

46 of the municipality voting in a special election called for that

47 purpose. This section in no way affects the number of aldermen,

48 councilmen, or commissioners of any city operating under a special

49 charter. All aldermen shall be selected by vote of the entire

50 electorate of the municipality. Those municipalities which

51 determine to select one (1) alderman from each of the six (6)

52 wards shall select one (1) of the candidates for alderman from

53 each particular ward by majority vote of the entire electorate of

54 the municipality.

55   (3) In any municipality having a population of five hundred

56 (500) or less according to the latest available federal census,

57 there may be three (3) aldermen. The change from five (5)

58 aldermen to three (3) aldermen shall be approved by a majority of

59 the qualified electors of the municipality voting in a special

60 election held for this purpose.

61   (4) If a municipality has a population according to the 2010

62 federal decennial census that is less than ten thousand (10,000)

63 and whose population according to the 2020 federal decennial

64 census is ten thousand (10,000) or more, the municipality may

65 elect to continue with five (5) aldermen and not increase to seven

66 (7) aldermen by the adoption of a resolution by a majority of the

67 board of aldermen expressing the intent to continue with five (5)

68 aldermen and not increase to seven (7) aldermen. Before the

69 adoption of such resolution, the proposed resolution shall be

70 published for three (3) consecutive weeks in at least one (1)

71 newspaper published in the municipality. The first publication of

72 such resolution shall be made not less than twenty-one (21) days

73 prior to the date fixed in such resolution for the adoption of the

74 same and the last publication shall be made not more than seven

75 (7) days prior to such date. If no newspaper be published in the

76 municipality, then such notice shall be given by publishing the

77 resolution for the required time in some newspaper having a

78 general circulation in such municipality and, in addition, by

79 posting a copy of such resolution for at least twenty-one (21)

80 days next preceding the date fixed to adopt the resolution at

81 three (3) public places in such municipality. If ten percent

82 (10%) of the qualified electors of the municipality or fifteen

83 hundred (1,500) whichever is lesser, shall file a written protest

84 against the resolution on or before the date specified in the

85 resolution, then an election on the question shall be called.

86 Notice of such election shall be signed by the clerk of the

87 municipality and shall be published once a week for at least three

88 (3) consecutive weeks in at least one (1) newspaper published in

89 the municipality. The first publication of such notice shall be

90 made not less than twenty-one (21) days prior to the date fixed

91 for such election and the last publication shall be made not more

92 than seven (7) days prior to such date. If no newspaper be

93 published in the municipality, then such notice shall be given by

94 publishing the same for the required time in some newspaper having

95 a general circulation in such municipality and, in addition, by

96 posting a copy of such notice for at least twenty-one (21) days

97 next preceding the date fixed to adopt the resolution at three (3)

98 public places in such municipality. At the election, all

99 qualified electors of such municipality may vote, and the ballots

100 used in the election shall have printed thereon a brief statement

101 of the purpose of the increase in the number of aldermen and the

102 words "FOR THE INCREASE IN THE NUMBER OF ALDERMEN FROM 5 TO 7" and

103 on a separate line, "AGAINST THE INCREASE IN NUMBER OF ALDERMEN

104 FROM 5 TO 7" and the voters shall vote by placing a cross (X) or

105 check (✓) opposite their choice on the proposition. The results

106 of the election shall be certified by the municipal election

107 commissions and spread on the minutes of the municipality. If a

108 majority of electors who voted in the election vote in favor of

109 maintaining five (5) aldermen and not increasing the number to

110 seven (7) aldermen, the number of aldermen shall remain at five

111 (5) and shall not be increased except by special election called

112 for such purpose. If a majority of electors who voted in the

113 election vote against maintaining five (5) aldermen and in favor

114 of increasing the number to seven (7) aldermen, the number of

115 aldermen for such municipality shall be increased to seven (7)

116 aldermen and the number shall not be decreased except by act of

117 the Legislature.

118   **SECTION 2.** This act shall take effect and be in force from

119 and after July 1, 2018.

H. B. No. 392   ▌▌▌▌▌▌▌▌▌▌▌▌▌▌▌▌▌▌▌▌▌▌▌   **~ OFFICIAL ~**
18/HR43/R751.3   ST: Municipalities; authorize to elect 5
PAGE 5 (OM\EW)   aldermen if population is 10,000 or more and
                        certain conditions are met.