

By: Senator(s) Harkins

To: Municipalities

## SENATE BILL NO. 2580

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 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 1500, 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,



councilmen, or commissioners of any city operating under a special charter. All aldermen shall be selected by vote of the entire electorate of the municipality. Those municipalities which determine to select one (1) alderman from each of the six (6) wards shall select one (1) of the candidates for alderman from each particular ward by majority vote of the entire electorate of the municipality.

(3) In any municipality having a population of five hundred (500) or less according to the latest available federal census, there may be three (3) aldermen. The change from five (5) aldermen to three (3) aldermen shall be approved by a majority of the qualified electors of the municipality voting in a special election held for this purpose.

(4) If a municipality has a population according to the 2010 federal decennial census that is less than ten thousand (10,000) and whose population according to the 2020 federal decennial census is ten thousand (10,000) or more, the municipality may elect to continue with five (5) aldermen and not increase to seven (7) aldermen by the adoption of a resolution by a majority of the board of aldermen expressing the intent to continue with five (5) aldermen and not increase to seven (7) aldermen. Before the adoption of such resolution, the proposed resolution shall be published for three (3) consecutive weeks in at least one (1) newspaper published in the municipality. The first publication of 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 (1500) 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 commission 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) alderman 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.

