

By: Cuevas

To: Elections

SENATE BILL NO. 2354

1 AN ACT TO PROVIDE THAT GENERAL ELECTIONS FOR MOST STATE AND  
 2 COUNTY OFFICERS SHALL BE HELD ON THE FIRST SATURDAY IN NOVEMBER;  
 3 TO AMEND SECTIONS 23-15-171 AND 23-15-173, MISSISSIPPI CODE OF  
 4 1972, TO PROVIDE THAT MUNICIPAL PRIMARY AND GENERAL ELECTIONS  
 5 SHALL BE HELD ON SATURDAY; TO AMEND SECTION 23-15-833, MISSISSIPPI  
 6 CODE OF 1972, TO PROVIDE THAT THE REGULAR SPECIAL ELECTION DAY  
 7 SHALL BE THE FIRST SATURDAY IN NOVEMBER; TO AMEND SECTIONS 37-5-7,  
 8 37-7-207, 37-7-223 AND 37-7-227, MISSISSIPPI CODE OF 1972, TO  
 9 PROVIDE THAT ELECTIONS FOR THE BOARD OF TRUSTEES OF CERTAIN SCHOOL  
 10 DISTRICTS SHALL BE HELD ON SATURDAY; TO AMEND SECTIONS 21-5-1,  
 11 21-5-3, 21-8-7, 23-15-191 AND 65-1-3, MISSISSIPPI CODE OF 1972, IN  
 12 CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED  
 13 PURPOSES.

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

15 SECTION 1. Except as otherwise provided by law, all general  
 16 elections for state and county officers shall be held on the first  
 17 Saturday in November.

18 SECTION 2. Section 23-15-171, Mississippi Code of 1972, is  
 19 amended as follows:[LR1]

20 23-15-171. (1) Municipal primary elections shall be held on  
 21 the first Saturday in May preceding the general municipal election  
 22 and, in the event a second primary shall be necessary, such second  
 23 primary shall be held on the third Saturday in May preceding such  
 24 general municipal election. At such primary election the  
 25 municipal executive committee shall perform the same duties as are  
 26 specified by law and performed by members of the county executive

27 committee with regard to state and county primary elections. Each  
28 municipal executive committee shall have as many members as there  
29 are elective officers of the municipality, and such members of the  
30 municipal executive committee of each political party shall be  
31 elected in the primary elections held for the nomination of  
32 candidates for municipal offices. The provisions of this section  
33 shall govern all municipal primary elections as far as applicable,  
34 but the officers to prepare the ballots and the managers and other  
35 officials of the primary election shall be appointed by the  
36 municipal executive committee of the party holding such primary,  
37 and the returns of such election shall be made to such municipal  
38 executive committee. Vacancies in the executive committee shall  
39 be filled by it.

40 (2) Provided, however, that in municipalities operating  
41 under a special or private charter which fixes a time for holding  
42 elections, other than the time fixed by Chapter 491, Laws of 1950,  
43 the first primary election shall be held exactly four (4) weeks  
44 before the time for holding the general election, as fixed by the  
45 charter, and the second primary election, where necessary, shall  
46 be held two (2) weeks after the first primary election, unless the  
47 charter of any such municipality provides otherwise, in which  
48 event the provisions of the special or private charter shall  
49 prevail as to the time of holding such primary elections.

50 (3) All primary elections in municipalities shall be held  
51 and conducted in the same manner as is provided by law for state  
52 and county primary elections.

53 SECTION 3. Section 23-15-173, Mississippi Code of 1972, is  
54 amended as follows:[LR2]

55 23-15-173. (1) A general municipal election shall be held  
56 in each city, town or village on the first Saturday of June 2001,  
57 and every four (4) years thereafter, for the election of all

58 municipal officers elected by the people.

59 (2) All municipal general elections shall be held and  
60 conducted in the same manner as is provided by law for state and  
61 county general elections.

62 SECTION 4. Section 23-15-833, Mississippi Code of 1972, is  
63 amended as follows:[LR3]

64 23-15-833. Except as otherwise provided by law, the first  
65 Saturday in November of each year shall be designated the regular  
66 special election day, and on that day an election shall be held to  
67 fill any vacancy in county, county district, and district attorney  
68 elective offices; provided, however, that in years in which  
69 congressional elections are held, the first Tuesday after the  
70 first Monday in November shall be designated the regular special  
71 election day.

72 All special elections, or elections to fill vacancies, shall  
73 in all respects be held, conducted and returned in the same manner  
74 as general elections, except that where no candidate receives a  
75 majority of the votes cast in such election, then a runoff  
76 election shall be held two (2) weeks after such election and the  
77 two (2) candidates who receive the highest popular votes for such  
78 office shall have their names submitted as such candidates to the  
79 said runoff and the candidate who leads in such runoff election  
80 shall be elected to the office. When there is a tie in the first  
81 election of those receiving next highest vote, these two (2) and  
82 the one receiving the highest vote, none having received a  
83 majority, shall go into the runoff election and whoever leads in  
84 such runoff election shall be entitled to the office.

85 In those years when the regular special election day shall

86 occur on the same day as the general election, the names of  
87 candidates in any special election and the general election shall  
88 be placed on the same ballot, but shall be clearly distinguished  
89 as general election candidates or special election candidates.

90 At any time a special election is held on the same day as a  
91 party primary election, the names of the candidates in the special  
92 election may be placed on the same ballot, but shall be clearly  
93 distinguished as special election candidates or primary election  
94 candidates.

95 SECTION 5. Section 37-5-7, Mississippi Code of 1972, is  
96 amended as follows:[LR4]

97 37-5-7. (1) On the first Saturday in May, 1954, an election  
98 shall be held in each county in this state in the same manner as  
99 general state and county elections are held and conducted, which  
100 election shall be held for the purpose of electing the county  
101 boards of education established under the provisions of this  
102 chapter. At such election, the members of the said board from  
103 Supervisors Districts One and Two shall be elected for the term  
104 expiring on the first Monday of January, 1957; members of the  
105 board from Supervisors Districts Three and Four shall be elected  
106 for a term expiring on the first Monday of January, 1959; and the  
107 member of the board from Supervisors District Five shall be  
108 elected for a term expiring on the first Monday of January, 1955.

109 Except as otherwise provided in subsection (2), all subsequent  
110 members of the board shall be elected for a term of six (6) years  
111 at the regular general election held on the first Monday in  
112 November next preceding the expiration of the term of office of  
113 the respective member or members of such board. All members of

114 the county board of education as herein constituted, shall take  
115 office on the first Monday of January following the date of their  
116 election.

117 (2) On the first Saturday in November, in any year in which  
118 any county shall elect to utilize the authority contained in  
119 Section 37-5-1(2), an election shall be held in each such county  
120 in this state for the purpose of electing the county boards of  
121 education in such counties. At said election the members of the  
122 said county board of education from Districts One and Two shall be  
123 elected for a term of four (4) years, the members from Districts  
124 Three and Four shall be elected for a term of six (6) years, and  
125 the member from District Five shall be elected for a term of (2)  
126 years. Thereafter, members shall be elected at general elections  
127 as vacancies occur for terms of six (6) years each. All members  
128 of the county board of education shall take office on the first  
129 Monday of January following the date of their election.

130 SECTION 6. Section 37-7-207, Mississippi Code of 1972, is  
131 amended as follows:[JU5]

132 **[Until such time as Section 1 of Laws, 1990, ch. 567, is**  
133 **effectuated under Section 5 of the Voting Rights Act of 1965, as**  
134 **amended and extended, this section will read as follows:]**

135 37-7-207. (1) All school districts reconstituted or created  
136 under the provisions of Article 1 of this chapter, and which lie  
137 wholly within one (1) county, but not including municipal separate  
138 and countywide districts, shall be governed by a board of five (5)  
139 trustees. The first board of trustees of such districts shall be  
140 appointed by the county board of education, and the original  
141 appointments shall be so made that one (1) trustee shall be

142 appointed to serve until the first Saturday of March following  
143 such appointments, one (1) for one (1) year longer, one (1) for  
144 two (2) years longer, one (1) for three (3) years longer, and one  
145 (1) for four (4) years longer. After such original appointments,  
146 the trustees of such school districts shall be elected by the  
147 qualified electors of such school districts in the manner provided  
148 for in Sections 37-7-223 through 37-7-229, with each trustee to be  
149 elected for a term of five (5) years. The five (5) members of the  
150 board of trustees of such consolidated school district shall be  
151 elected from special trustee election districts by the qualified  
152 electors thereof, as herein provided. Upon request of the board  
153 of trustees of any consolidated school district, the board of  
154 supervisors of such county shall apportion the consolidated school  
155 district into five (5) special trustee election districts. The  
156 board of supervisors shall place upon its minutes the boundaries  
157 determined for the new five (5) trustee election districts. The  
158 board of supervisors shall thereafter publish the same in a  
159 newspaper of general circulation within said school district for  
160 at least three (3) consecutive weeks; and after having given  
161 notice of publication and recording the same upon the minutes of  
162 the board of supervisors, said new district lines shall thereafter  
163 be effective.

164 On the first Saturday in November, in any year in which any  
165 consolidated school district shall elect to utilize the authority  
166 to create single member election districts, an election shall be  
167 held in each such district in this state for the purpose of  
168 electing the board of trustees of such district. At said election  
169 the member of the said board from District One shall be elected

170 for a term of one (1) year, the member from District Two shall be  
171 elected for a term of two (2) years, the member from District  
172 Three shall be elected for a term of three (3) years, the member  
173 from District Four shall be elected for a term of four (4) years,  
174 and the member from District Five shall be elected for a term of  
175 five (5) years. Thereafter, members shall be elected at general  
176 elections as vacancies occur for terms of five (5) years each.  
177 Trustees elected from single member election districts as provided  
178 above shall otherwise be elected as provided for in Sections  
179 37-7-223 through 37-7-229. All members of the said board of  
180 trustees shall take office on the first Monday of January  
181 following the date of their election. All vacancies which may  
182 occur during a term shall be filled by appointment of the  
183 consolidated school district trustees, but the person so appointed  
184 shall serve only until the next general election following such  
185 appointment, at which time a person shall be elected for the  
186 remainder of the unexpired term at the same time and in the same  
187 manner as a trustee is elected for the full term then expiring.  
188 The person so elected to the unexpired term shall take office  
189 immediately. Said appointee shall be selected from the qualified  
190 electors of the district in which the vacancy occurs.

191 (2) All school districts reconstituted and created under the  
192 provisions of Article 1 of this chapter, which embrace territory  
193 in two (2) or more counties, but not including municipal separate  
194 school districts, shall be governed by a board of five (5)  
195 trustees. In making the original appointments, the several county  
196 boards of education shall appoint the trustee or trustees to which  
197 the territory in such county is entitled, and, by agreement

198 between the county boards concerned, one (1) person shall be  
199 appointed to serve until the first Saturday of March following,  
200 one (1) for one (1) year longer, one (1) for two (2) years longer,  
201 one (1) for three (3) years longer and one (1) for four (4) years  
202 longer. Thereafter, such trustees shall be elected as is provided  
203 for in Sections 37-7-223 through 37-7-229, for a term of five (5)  
204 years. The five (5) members of the board of trustees of such line  
205 consolidated school district shall be elected from special trustee  
206 election districts by the qualified electors thereof, as herein  
207 provided. Upon request by the board of trustees of any line  
208 consolidated school district, the boards of supervisors of such  
209 counties shall apportion the line consolidated school district  
210 into five (5) special trustee election districts. The boards of  
211 supervisors shall place upon their minutes the boundaries  
212 determined for the new five (5) trustee election districts. The  
213 boards of supervisors shall thereafter publish the same in a  
214 newspaper of general circulation within said school district for  
215 at least three (3) consecutive weeks; and after having given  
216 notice of publication and recording the same upon the minutes of  
217 the boards of supervisors, said new district lines shall  
218 thereafter be effective.

219       On the first Saturday in November, in any year in which any  
220 line consolidated school district shall elect to utilize the  
221 authority to create single member election districts, an election  
222 shall be held in each such district in this state for the purpose  
223 of electing the board of trustees of such district. At said  
224 election the member of the said board from District One shall be  
225 elected for a term of one (1) year, the member from District Two



226 shall be elected for a term of two (2) years, the member from  
227 District Three shall be elected for a term of three (3) years, the  
228 member from District Four shall be elected for a term of four (4)  
229 years, and the member from District Five shall be elected for a  
230 term of five (5) years. Thereafter, members shall be elected at  
231 general elections as vacancies occur for terms of five (5) years  
232 each. Trustees elected from single member election districts as  
233 provided above shall otherwise be elected as provided for in  
234 Sections 37-7-223 through 37-7-229. All members of the said board  
235 of trustees shall take office on the first Monday of January  
236 following the date of their election. In all elections, the  
237 trustee elected shall be a resident and qualified elector of the  
238 district entitled to the representation upon the board, and he  
239 shall be elected only by the qualified electors of such district.  
240 All vacancies which may occur during a term of office shall be  
241 filled by appointment of the consolidated line school district  
242 trustees, but the person so appointed shall serve only until the  
243 next general election following such appointment, at which time a  
244 person shall be elected for the remainder of the unexpired term at  
245 the same time and in the same manner as the trustee is elected for  
246 the full term then expiring. The person so elected to the  
247 unexpired term shall take office immediately.

248 **[From and after such time as Section 1 of Laws, 1990, ch.**  
249 **567, is effectuated under Section 5 of the Voting Rights Act of**  
250 **1965, as amended and extended, this section will read as follows:]**

251  
252 37-7-207. (1) All school districts reconstituted or created  
253 under the provisions of Article 1 of this chapter, and which lie

254 wholly within one (1) county, but not including municipal separate  
255 and countywide districts, shall be governed by a board of five (5)  
256 trustees. The first board of trustees of such districts shall be  
257 appointed by the county board of education, and the original  
258 appointments shall be so made that one (1) trustee shall be  
259 appointed to serve until the first Saturday of March following  
260 such appointments, one (1) for one (1) year longer, one (1) for  
261 two (2) years longer, one (1) for three (3) years longer, and one  
262 (1) for four (4) years longer. After such original appointments,  
263 the trustees of such school districts shall be elected by the  
264 qualified electors of such school districts in the manner provided  
265 for in Sections 37-7-223 through 37-7-229, Mississippi Code of  
266 1972, with each trustee to be elected for a term of five (5)  
267 years. The five (5) members of the board of trustees of such  
268 consolidated school district may be elected from special trustee  
269 election districts by the qualified electors thereof, as herein  
270 provided. Upon request of the board of trustees of any  
271 consolidated school district, the board of supervisors of such  
272 county shall apportion the consolidated school district into five  
273 (5) special trustee election districts. The board of supervisors  
274 shall place upon its minutes the boundaries determined for the new  
275 five (5) trustee election districts. The board of supervisors  
276 shall thereafter publish the same in a newspaper of general  
277 circulation within said school district for at least three (3)  
278 consecutive weeks; and after having given notice of publication  
279 and recording the same upon the minutes of the board of  
280 supervisors, said new district lines shall thereafter be  
281 effective.

282           On the first Saturday in November, in any year in which any  
283 consolidated school district shall elect to utilize the authority  
284 to create single member election districts, an election shall be  
285 held in each such district in this state for the purpose of  
286 electing the board of trustees of such district. At said election  
287 the member of the said board from District One shall be elected  
288 for a term of one (1) year, the member from District Two shall be  
289 elected for a term of two (2) years, the member from District  
290 Three shall be elected for a term of three (3) years, the member  
291 from District Four shall be elected for a term of four (4) years,  
292 and the member from District Five shall be elected for a term of  
293 five (5) years. Thereafter, members shall be elected at general  
294 elections as vacancies occur for terms of five (5) years each.  
295 Trustees elected from single member election districts as provided  
296 above shall otherwise be elected as provided for in Sections  
297 37-7-223 through 37-7-229, Mississippi Code of 1972. All members  
298 of the said board of trustees shall take office on the first  
299 Monday of January following the date of their election. All  
300 vacancies which may occur during a term shall be filled by  
301 appointment of the consolidated school district trustees, but the  
302 person so appointed shall serve only until the next general  
303 election following such appointment, at which time a person shall  
304 be elected for the remainder of the unexpired term at the same  
305 time and in the same manner as a trustee is elected for the full  
306 term then expiring. The person so elected to the unexpired term  
307 shall take office immediately. Said appointee shall be selected  
308 from the qualified electors of the district in which the vacancy  
309 occurs.

310           (2) All school districts reconstituted and created under the  
311 provisions of Article 1 of this chapter, which embrace territory  
312 in two (2) or more counties, but not including municipal separate  
313 school districts, shall be governed by a board of five (5)  
314 trustees. In making the original appointments, the several county  
315 boards of education shall appoint the trustee or trustees to which  
316 the territory in such county is entitled, and, by agreement  
317 between the county boards concerned, one (1) person shall be  
318 appointed to serve until the first Saturday of March following  
319 such appointments, one (1) for one (1) year longer, one (1) for  
320 two (2) years longer, one (1) for three (3) years longer and one  
321 (1) for four (4) years longer. Thereafter, such trustees shall be  
322 elected as is provided for in Sections 37-7-223 through 37-7-229,  
323 Mississippi Code of 1972, for a term of five (5) years. The five  
324 (5) members of the board of trustees of such line consolidated  
325 school district may be elected from special trustee election  
326 districts by the qualified electors thereof, as herein provided.  
327 Upon request by the board of trustees of any line consolidated  
328 school district, the boards of supervisors of such counties shall  
329 apportion the line consolidated school district into five (5)  
330 special trustee election districts. The boards of supervisors  
331 shall place upon their minutes the boundaries determined for the  
332 new five (5) trustee election districts. The boards of  
333 supervisors shall thereafter publish the same in a newspaper of  
334 general circulation within said school district for at least three  
335 (3) consecutive weeks; and after having given notice of  
336 publication and recording the same upon the minutes of the boards  
337 of supervisors, said new district lines shall thereafter be

338 effective.

339       On the first Saturday in November, in any year in which any  
340 line consolidated school district shall elect to utilize the  
341 authority to create single member election districts, an election  
342 shall be held in each such district in this state for the purpose  
343 of electing the board of trustees of such district. At said  
344 election the member of the said board from District One shall be  
345 elected for a term of one (1) year, the member from District Two  
346 shall be elected for a term of two (2) years, the member from  
347 District Three shall be elected for a term of three (3) years, the  
348 member from District Four shall be elected for a term of four (4)  
349 years, and the member from District Five shall be elected for a  
350 term of five (5) years. Thereafter, members shall be elected at  
351 general elections as vacancies occur for terms of five (5) years  
352 each. Trustees elected from single member election districts as  
353 provided above shall otherwise be elected as provided for in  
354 Sections 37-7-223 through 37-7-229, Mississippi Code of 1972. All  
355 members of the said board of trustees shall take office on the  
356 first Monday of January following the date of their election. In  
357 all such elections, the trustee elected shall be a resident and  
358 qualified elector of the district entitled to the representation  
359 upon the board, and he shall be elected only by the qualified  
360 electors of such district. All vacancies which may occur during a  
361 term of office shall be filled by appointment of the consolidated  
362 line school district trustees, but the person so appointed shall  
363 serve only until the next general election following such  
364 appointment, at which time a person shall be elected for the  
365 remainder of the unexpired term at the same time and in the same

366 manner as the trustee is elected for the full term then expiring.

367 The person so elected to the unexpired term shall take office  
368 immediately.

369 SECTION 7. Section 37-7-223, Mississippi Code of 1972, is  
370 amended as follows:[JU6]

371 37-7-223. All elections of consolidated or consolidated line  
372 school district trustees shall be held on the first Saturday in  
373 November of each year in the same manner as general state and  
374 county elections are held and conducted.

375 SECTION 8. Section 37-7-227, Mississippi Code of 1972, is  
376 amended as follows:[JU7]

377 37-7-227. The county election commissioners shall indicate  
378 on the ballot which of the persons whose names appear thereon are  
379 candidates for a full term, and which of such persons, if any, are  
380 candidates for an unexpired term or terms. The candidate who  
381 receives a majority of the votes cast, either for a full term or  
382 for an unexpired term or terms, as indicated on the ballot, shall  
383 be declared elected, and the person or persons elected to a full  
384 term shall assume the duties of his office on the first day of  
385 January of the year following such election. The person or  
386 persons elected to an unexpired term(s) shall assume office  
387 immediately. If no candidate receives a majority of the votes  
388 cast at such election, a runoff shall be held in the same manner  
389 on the third Saturday in November following such election between  
390 the two (2) candidates receiving the highest number of votes upon  
391 such first ballot.

392 SECTION 9. Section 21-5-1, Mississippi Code of 1972, is  
393 amended as follows:[JU8]

394 21-5-1. Any city may at any time, upon an election held as  
395 hereinafter provided, change the form of government of such city  
396 and adopt a commission form of government. It shall be the duty  
397 of the governing authorities of any such city to call a special  
398 election on the question of the adoption of the commission form of  
399 government upon receipt of a petition signed by at least ten  
400 percent (10%) of the qualified electors of such city, praying that  
401 an election be held to determine whether or not such city shall  
402 abandon its existing form of government and adopt the commission  
403 form. Such special election shall be held in such city not less  
404 than thirty (30) days, nor more than sixty (60) days, from the  
405 date of making such order, but if a general election is to be held  
406 in such city within sixty (60) days from the making of such order,  
407 then the question of the adoption of the commission form of  
408 government shall be submitted at such general election, rather  
409 than at a special election. Notice of such election shall be  
410 given as required by law, and the same shall be held and conducted  
411 as other elections in such city. At such election the  
412 propositions to be voted on shall be "**FOR THE PRESENT FORM OF**  
413 **GOVERNMENT,**" and "**FOR THE COMMISSION FORM OF GOVERNMENT.**" Such  
414 propositions shall be printed on the ballot and the elector shall  
415 vote by placing a cross (X) or check mark (**a**) opposite his choice  
416 on the proposition. The results of such election shall be  
417 certified to the governing authorities of the city by the persons  
418 holding such election, and at their next regular meeting the  
419 governing authorities shall adjudicate on the minutes of the city  
420 whether or not the majority of the votes cast at such election  
421 were cast in favor of the commission form of government. If a

422 majority of the votes were so cast in favor of the commission form  
423 of government, then an order shall be entered providing for the  
424 election of officers provided for by this chapter at an election  
425 to be held on the first Saturday of June next thereafter. The  
426 mayor or chief executive officer of the city shall immediately  
427 certify to the Secretary of State that such city has by election  
428 adopted the commission form of government, and such certificate  
429 shall be recorded in a book kept for that purpose by the Secretary  
430 of State. If a majority of the votes cast at such election be in  
431 favor of the existing form of government, the governing  
432 authorities shall so adjudicate by an order upon their minutes,  
433 and another election submitting the question of the adoption of  
434 the commission form of government shall not be held for a period  
435 of at least four (4) years thereafter.

436 SECTION 10. Section 21-5-3, Mississippi Code of 1972, is  
437 amended as follows:[JU9]

438 21-5-3. Every city operating under the commission form of  
439 government shall be governed by a council, consisting of the mayor  
440 and two (2) councilmen (or commissioners), each of whom shall have  
441 the right to vote on all questions coming before the council. The  
442 terms of office of the governing authorities in every such city,  
443 in office at the beginning of the term of office of the mayor and  
444 councilmen first elected under the provisions of this chapter  
445 shall then immediately cease and terminate. The terms of office  
446 of all other officers then in force in such city, whether elected  
447 or appointed, shall cease and terminate as soon as the council  
448 shall, by resolution, so declare.

449 The corporate name of every such city shall be "The City of



450 (name of city)," under which name the council shall exercise and  
451 perform all the corporate powers, duties and obligations conferred  
452 or imposed on it or the members thereof.

453 Any city having a population of one hundred thousand  
454 (100,000) inhabitants according to the last decennial census and  
455 at that time governed by the commission form of government, may at  
456 any time, upon an election held as hereinafter provided, increase  
457 by two (2) the number of councilmen governing such city; provided  
458 that in no event shall the number of councilmen (not including the  
459 mayor) be increased to exceed ten (10) members. It shall be the  
460 duty of the council to call a special election on the question of  
461 the increase in the number of councilmen and upon receipt of a  
462 petition signed by at least ten percent (10%) of the qualified  
463 electors of such city, praying that an election be held to  
464 determine whether or not such city should increase by two (2) the  
465 number of councilmen under the commission form, and such special  
466 election shall be held in such city not less than thirty (30)  
467 days, nor more than sixty (60) days, from the date of making such  
468 order; but if a general election is to be held in such city within  
469 sixty (60) days from the making of such order, then the question  
470 of the increase in number of councilmen shall be submitted at such  
471 general election, rather than at a special election. Notice of  
472 such election shall be given as required by law, and the same  
473 shall be held and conducted as other elections in such city. At  
474 such election the propositions to be voted on shall be **"FOR THE**  
475 **PRESENT NUMBER OF COUNCILMEN"** and **"FOR AN INCREASE BY TWO (2) IN**  
476 **THE NUMBER OF COUNCILMEN"**, and such propositions shall be printed  
477 on the ballot and the elector shall vote by placing a cross (X) or

478 check mark (a) opposite his choice on the proposition. The  
479 results of such election shall be certified to the governing  
480 authorities of the city by the persons holding such election, and  
481 at their next regular meeting the governing authorities shall  
482 adjudicate on the minutes of the city whether or not the majority  
483 of the votes cast at such election were cast in favor of  
484 increasing by two (2) the number of councilmen. If a majority of  
485 the votes were so cast in favor of increasing by two (2) the  
486 number of councilmen in the commission form of government, then an  
487 order shall be entered providing for the election of the two (2)  
488 additional councilmen at an election to be held on the first  
489 Saturday of June next thereafter. The mayor of the city shall  
490 immediately certify to the Secretary of State that such city has  
491 by election determined to be governed by two (2) additional  
492 councilmen in the commission form of government and such  
493 certificate shall be recorded in a book kept for that purpose by  
494 the Secretary of State. If a majority of the votes cast at such  
495 election be in favor of retaining the existing number of  
496 councilmen, the council shall so adjudicate by an order upon their  
497 minutes, and another election submitting the question of the  
498 increasing by two (2) the number of councilmen in the commission  
499 form of government shall not be held for a period of at least four  
500 (4) years thereafter.

501 SECTION 11. Section 21-8-7, Mississippi Code of 1972, is  
502 amended as follows:[LR10]

503 21-8-7. (1) Each municipality operating under the  
504 mayor-council form of government shall be governed by an elected  
505 council and an elected mayor. Other officers and employees shall

506 be duly appointed pursuant to this chapter, general law or  
507 ordinance.

508 (2) Except as otherwise provided in subsection (4) of this  
509 section, the mayor and councilmen shall be elected by the voters  
510 of the municipality at a regular municipal election held on the  
511 first Saturday in June as provided in Section 23-15-171, and shall  
512 serve for a term of four (4) years beginning on the first Monday  
513 of July next following their election.

514 (3) The terms of the initial mayor and councilmen shall  
515 commence at the expiration of the terms of office of the elected  
516 officials of the municipality serving at the time of adoption of  
517 the mayor-council form.

518 (4) (a) The council shall consist of five (5), seven (7) or  
519 nine (9) members. In the event there are five (5) councilmen, the  
520 municipality shall be divided into either five (5) or four (4)  
521 wards. In the event there are seven (7) councilmen, the  
522 municipality shall be divided into either seven (7), six (6) or  
523 five (5) wards. In the event there are nine (9) councilmen, the  
524 municipality shall be divided into seven (7) or nine (9) wards.  
525 If the municipality is divided into fewer wards than it has  
526 councilmen, the other councilman or councilmen shall be elected  
527 from the municipality at large. The total number of councilmen  
528 and the number of councilmen elected from wards shall be  
529 established by the petition or petitions presented pursuant to  
530 Section 21-8-3. One (1) councilman shall be elected from each  
531 ward by the voters of that ward. Councilmen elected to represent  
532 wards must be residents of their wards at the time of  
533 qualification for election, and any councilman who removes his

534 residence from the municipality or from the ward from which he was  
535 elected shall vacate his office. However, any candidate for  
536 councilman who is properly qualified as a candidate under  
537 applicable law shall be deemed to be qualified as a candidate in  
538 whatever ward he resides if his ward has changed after the council  
539 has redistricted the municipality as provided in subparagraphs  
540 (c)(ii) and (iii) of this subsection (4), and if the wards have  
541 been so changed, any person may qualify as a candidate for  
542 councilman, using his existing residence or by changing his  
543 residence, not less than fifteen (15) days prior to the first  
544 party primary or special party primary, as the case may be,  
545 notwithstanding any other residency or qualification requirements  
546 to the contrary.

547 (b) The council or board existing at the time of the  
548 adoption of the mayor-council form of government shall designate  
549 the geographical boundaries of the wards within one hundred twenty  
550 (120) days after the election in which the mayor-council form of  
551 government is selected. In designating the geographical  
552 boundaries of the wards, each ward shall contain, as nearly as  
553 possible, the population factor obtained by dividing the  
554 municipality's population as shown by the most recent decennial  
555 census by the number of wards into which the municipality is to be  
556 divided.

557 (c) (i) It shall be the mandatory duty of the council  
558 to redistrict the municipality by ordinance, which ordinance may  
559 not be vetoed by the mayor, within six (6) months after the  
560 official publication by the United States of the population of the  
561 municipality as enumerated in each decennial census, and within

562 six (6) months after the effective date of any expansion of  
563 municipal boundaries; however, if the publication of the most  
564 recent decennial census or effective date of an expansion of the  
565 municipal boundaries occurs six (6) months or more prior to the  
566 first party primary of a general municipal election, then the  
567 council shall redistrict the municipality by ordinance not less  
568 than sixty (60) days prior to such first party primary.

569           (ii) If the publication of the most recent  
570 decennial census occurs less than six (6) months prior to the  
571 first party primary of a general municipal election, then the  
572 council shall redistrict the municipality by ordinance not later  
573 than twenty (20) days prior to the first party primary.

574           (iii) If the publication of the most recent  
575 decennial census is not received by the council in time to  
576 redistrict the municipality at least twenty (20) days prior to the  
577 first party primary of a general municipal election, then the  
578 council shall redistrict the municipality by ordinance not later  
579 than twenty (20) days prior to a special party primary provided  
580 for hereafter in this subparagraph. If the census is not received  
581 in time to redistrict the municipality, as provided above, the  
582 mayor and councilmen shall be elected by the voters of the  
583 municipality at a special general municipal election held on the  
584 fourth Tuesday after the first Monday in June, and a special party  
585 primary shall be held on the second Tuesday after the first Monday  
586 in June, notwithstanding the provisions of Sections 21-11-5 and  
587 21-11-7 to the contrary.

588           (d) If annexation of additional territory into the  
589 municipal corporate limits of the municipality shall occur less

590 than six (6) months prior to the first party primary of a general  
591 municipal election, the council shall, by ordinance adopted within  
592 three (3) days of the effective date of such annexation, assign  
593 such annexed territory to an adjacent ward or wards so as to  
594 maintain as nearly as possible substantial equality of population  
595 between wards; any subsequent redistricting of the municipality by  
596 ordinance as required by this chapter shall not serve as the basis  
597 for representation until the next regularly scheduled election for  
598 municipal councilmen.

599 (e) If the council shall have failed to redistrict the  
600 municipality as herein required, the members of the council shall  
601 not receive any further salaries until the council shall have  
602 adopted such ordinance and the checks for such salaries for said  
603 periods shall not be issued.

604 (5) Vacancies occurring in the council shall be filled as  
605 provided in Section 23-15-857.

606 (6) The mayor shall maintain an office at the city hall.  
607 The councilmen shall not maintain individual offices at the city  
608 hall; provided, however, that in municipalities with populations  
609 of one hundred ninety thousand (190,000) and above, councilmen may  
610 have individual offices in the city hall. Clerical work of  
611 councilmen in the performance of the duties of their office shall  
612 be performed by municipal employees or at municipal expense, and  
613 councilmen shall be reimbursed for the reasonable expenses  
614 incurred in the performance of the duties of their office.

615 SECTION 12. Section 23-15-191, Mississippi Code of 1972, is  
616 amended as follows:[LR11]

617 23-15-191. The first primary shall be held on the first

618 Saturday of August preceding any regular or general election; and  
619 the second primary shall be held three (3) weeks thereafter. Any  
620 candidate who receives the highest popular vote cast for the  
621 office which he seeks in the first primary shall thereby become  
622 the nominee of the party for such office; provided also it be a  
623 majority of all the votes cast for that office. If no candidate  
624 receive such majority of popular votes in the first primary, then  
625 the two (2) candidates who receive the highest popular vote for  
626 such office shall have their names submitted as such candidates to  
627 a second primary, and the candidate who leads in such second  
628 primary shall be nominated to the office. When there is a tie in  
629 the first primary of those receiving next highest vote, these two  
630 (2) and the one (1) receiving the highest vote, none having  
631 received a majority, shall go into the second primary, and whoever  
632 leads in such second primary shall be entitled to the nomination.

633 SECTION 13. Section 65-1-3, Mississippi Code of 1972, is  
634 amended as follows:[LR12]

635 65-1-3. There shall be a State Highway Commission which  
636 shall consist of three (3) members, one (1) from each of the three  
637 (3) Supreme Court districts of the state. Only qualified electors  
638 who are citizens of the Supreme Court district in which he or she  
639 offers for election shall be eligible for such office.

640 On \* \* \* the first Saturday in November of the year 2003, and  
641 every four (4) years thereafter, state highway commissioners shall  
642 be elected at the same time and in the same manner as the Governor  
643 is chosen; and the laws governing primary elections and the  
644 holding of general elections in this state shall apply to and  
645 govern the nomination and election of state highway commissioners.

646 The state highway commissioners so elected shall enter upon the  
647 discharge of the duties of their respective offices on the first  
648 Monday of January in the year next succeeding the date of their  
649 election, and they shall serve for a term of four (4) years and  
650 until their successors shall have been duly elected and qualified.

651 If any one or more of the state highway commissioners elected  
652 under the provisions of this chapter shall die, resign or be  
653 removed from office, the Governor shall fill the vacancy by  
654 appointment for the unexpired term, provided such unexpired term  
655 shall not exceed twelve (12) months. If such unexpired term shall  
656 exceed twelve (12) months, the Governor shall, within fifteen (15)  
657 days from the date of such vacancy, by proclamation duly made,  
658 call an election in the Supreme Court district in which such  
659 vacancy exists, to be held within sixty (60) days from the date of  
660 the issuance of such proclamation, at which election a state  
661 highway commissioner shall be elected to fill such vacancy for the  
662 remaining portion of such unexpired term. Such special election  
663 shall be held in the manner provided for holding general elections  
664 in this state, as far as practicable.

665 Each of said state highway commissioners, before entering  
666 upon the discharge of the duties of his office, shall take and  
667 subscribe the oath of office required of other state officials and  
668 shall execute bond in the sum of Fifty Thousand Dollars  
669 (\$50,000.00), with some surety company authorized to do business  
670 in this state as surety, conditioned for the faithful performance  
671 of the duties of his office and for the faithful and true  
672 accounting of all funds or monies or property coming into his  
673 hands by virtue of his office, and conditioned further that all



674 such funds, monies and property will be expended and used by him  
675 only for purposes authorized by law, said bond to be approved by  
676 the Governor or Attorney General and to be filed in the office of  
677 the Secretary of State. The premium on such bonds shall be paid  
678 out of the funds of the Mississippi Department of Transportation.

679 From and after July 1, 1992, the State Highway Commission  
680 shall be the Mississippi Transportation Commission and the members  
681 thereof shall be the Mississippi transportation commissioners.

682 SECTION 14. The Attorney General of the State of Mississippi  
683 shall submit this act, immediately upon approval by the Governor,  
684 or upon approval by the Legislature subsequent to a veto, to the  
685 Attorney General of the United States or to the United States  
686 District Court for the District of Columbia in accordance with the  
687 provisions of the Voting Rights Act of 1965, as amended and  
688 extended.

689 SECTION 15. This act shall take effect and be in force from  
690 and after the date it is effectuated under Section 5 of the Voting  
691 Rights Act of 1965, as amended and extended.