
Understanding a Change in Methods of Election in

MISSISSIPPI

The method of election in Southern states, like Mississippi, may directly impact a community's ability to elect their preferred candidate of choice. Methods of election describe the type of districts that voters use to elect members of a governing body, like at-large, residency, or single-member districts. Historically, methods of election, in particular at-large elections, were used as a tool to undermine or suppress Black political power. Before advocating changing the method of election, it is important to examine the voting patterns and the geographical landscape in your municipality.¹

In Mississippi, changing the methods of election for Counties and Municipalities have different processes and may vary depending on your municipality. Below is information about how to change the method of election.

Counties

In Mississippi, all counties must be divided into 5 districts. Miss. Code § 19-3-1. Boards of Education must also be divided into 5 districts. Miss. Code § 37-5-1. Accordingly, there is no mechanism for changing the method of election in Mississippi counties.

Municipalities:

Municipalities in Mississippi can be organized in one of four different structures, each of which have their own procedures for changing the method of election.

(1) Mayor-Board of Aldermen

A municipality can choose to adopt a mayor-board of alderman form of government at a general or special election. Miss. Code § 21-3-1.

The vast majority (95%+) of municipalities in Mississippi have a mayor and board of aldermen. The rules for municipalities operating under this format are listed in Section 21-3-7 of the 1972 Mississippi Code, which while the most current version of the operative code of law in Mississippi, **is not in effect due to a court ruling**. In 1975, a federal court ruled Section 21-3-7 unconstitutional because it required at-large elections in all municipalities. The court called 21-3-7 "a purposeful device conceived and operated to further racial discrimination in the voting process." *Stewart v. Waller*, 404 F. Supp. 206, 210 (N.D. Miss. 1975).

¹ For more information about the differences between at-large and single-member districts visit: <https://www.naacpldf.org/wp-content/uploads/At-Large-Voting-Frequently-Asked-Questions-1.pdf>.

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As a result, the relevant laws for Mayor-Board of Aldermen in Mississippi are contained in Section 36, chapter 491 of the 1950 Mississippi laws, and also include amendments from 2016 and 2018. The information below reflects the 1950 law with the 2016 and 2018 additions, which is the operative form of the law:

- The city government is composed of a mayor elected at-large and a board of aldermen made up of either 3, 5, or 7 alderman.
- If the city has less than 500 people: 3 aldermen if the people approve a board of 3 in a **special election**. Miss. Code § 21-3-7(3).
- If the city has 500-10,000 people: 5 aldermen. There are three apportionment options: 1) 4 aldermen elected by district, 1 at large; 2) all 5 elected at-large; 3) some combination of at-large and districts. **The board of aldermen determines the method of election.**
- If the city has 10,000+ people: 7 aldermen, 6 elected by district, 1 elected at-large.

Note: There was a Special law for 2020: If the 2020 census shows that a municipality grew from less than 10,000 people to more than 10,000 people, the city can keep its 5-member board of aldermen if a majority of the board approves a resolution. The board must publish a notice in the newspaper before for 21 days before taking a vote.

Note: The people can force a 7-member Board, even if the board adopts a resolution for a 5-member board: If 10% of the qualified voters of the municipality or 1,500 voters (whichever is less) sign a protest against the resolution, there must be a special election to decide if the board will have 5 or 7 members. If the people decide on a 5-member board, that can later be changed through a **special election**. The mayor and board of alderman must declare and pick a date for a special election. Miss. Code § 23-15-859. If the people decide on a 7-member board, that can only be changed through an act of the Legislature. Miss. Code § 21-3-7(4).

(2) Mayor-Council

Citizens can **petition** for a mayor-council form of government:

- If the Municipality has less than 40,000 people: The petition must be signed by 20% of voters.
- If the municipality has 40,000+ people: The petition must be signed by 10% of voters. Miss. Code Ann. § 21-8-3.

Under a mayor-council form of government, the mayor is elected from the municipality at large, and councilmembers are elected either by ward, or by some combination of ward and at-large voting. Miss. Code Ann. § 21-8-7. The council form is established at the time the municipality changes to a mayor-council form. Miss. Code. § 21-8-3.

- *5 councilmembers*: all 5 may be elected by ward, or 4 may be elected by ward and one 1 elected at-large.
- *7 councilmembers*: all 7 may be elected by ward, or 6 may be elected by ward and 1 at-large, or 5 may be elected by ward and 2 at-large.
- *9 councilmembers*: all 9 may be elected by ward, or 7 may be elected by ward and 2 at-large.



(3) Council-Manager

Citizens can initiate a change to a council-manager form of government through petition signed by at least 10% of qualified electors of city. Then a special election is held to vote on the change. Miss. Code § 21-9-3.

A council-manager form of government has a mayor elected at large and a 5-, 6-, or 8-member council (depending on the size of the city) elected through an at-large system or a hybrid ward/at-large system. Any municipality which prior to September 30, 1962, had a larger or smaller number of councilmen before September 30, 1962 was permitted to retain that number by adopting an appropriate ordinance. The method of election is determined when the form of government is determined. Miss. Code § 21-9-15.

To discontinue a council-manager form: Citizens can initiate a change through a petition signed by 20% of qualified voters. Then a special election is held. The next election is conducted according to the form of government that existed before the municipality changed to a council-manager form. Miss. Code § 21-9-9.

(4) Commission

Only two cities are commissions: Clarksdale and Vicksburg.² A commission usually consists of a mayor and two commissioners elected at large, Miss. Code § 21-5-3, 21-5-5, but both Clarksdale and Vicksburg amended that form to comply with Section 2 of the Voting Rights Act.

Vicksburg: At-large mayor and 2 aldermen elected from wards, one northern ward and one southern wards. Vicksburg Code, § 8-8.

Clarksdale: At-large mayor and 4 commissioners elected through wards. Charter and Enabling Act of the City of Clarksdale, § 2(A).

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² <https://www.vicksburgpost.com/2015/05/10/aldermen-oppose-mayors-idea-of-changing-vicksburgs-style-of-government/>

