

By: Representative Janus

To: Municipalities

HOUSE BILL NO. 1457

1 AN ACT TO AMEND SECTION 21-9-15, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE CANDIDATES FOR CITY COUNCIL TO BE RESIDENTS OF THEIR WARDS
3 FOR AT LEAST TWO YEARS BEFORE THE TIME OF QUALIFICATION FOR
4 ELECTION; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 21-9-15, Mississippi Code of 1972, is
7 amended as follows:

8 21-9-15. (1) (a) The legislative power of any city in
9 which the council-manager plan of government is in effect under
10 this chapter shall be vested in a council consisting of a mayor
11 and five (5) councilmen.

12 (b) Any city with a larger or smaller number of
13 councilmen, prior to September 30, 1962, may retain this larger or
14 smaller number of councilmen or may adopt the council size of five
15 (5) as prescribed herein. This option shall be exercised through
16 the enactment of an appropriate ordinance by the municipal
17 governing body prior to the election to adopt the council-manager
18 plan of government. In the event the council fails to exercise
19 this option, the council shall consist of five (5) councilmen.

20 (c) At the next regular municipal election which takes
21 place after the adoption of the council-manager form of
22 government, the mayor shall be elected at large by the voters of
23 the entire city. Also, the councilmen shall be elected at large
24 by the voters of the entire city to represent a city-wide
25 district, or each of four (4) councilmen may be elected from a
26 ward to represent such ward and one (1) councilman may be elected
27 to represent a city-wide district. This option shall be exercised

28 by an appropriate ordinance enacted by the city governing body
29 prior to the election to adopt the council-manager plan of
30 government. In the event the council fails to exercise this
31 option, the councilmen shall be elected at large to represent the
32 city-wide district. In its discretion at any time after adoption
33 and implementation of the council-manager plan of government the
34 council may provide for the election of councilmen by wards as
35 provided herein, which shall become effective at the next
36 regularly scheduled election for city councilmen.

37 (d) Councilmen elected to represent wards must be
38 residents of their wards for at least two (2) years immediately
39 preceding the time of qualification for election; and in cities
40 having more or fewer than five (5) councilmen, prior to September
41 30, 1962, the city governing body shall determine the number of
42 councilmen to represent the wards and the number of councilmen to
43 represent the city-wide district.

44 (e) The council of any municipality having a population
45 exceeding forty-five thousand (45,000) inhabitants according to
46 the 1970 decennial census which is situated in a Class 1 county
47 bordering on the State of Alabama and which is governed by a
48 council-manager plan of government on January 1, 1977 may, in its
49 discretion, adopt an ordinance to require the election of four (4)
50 of the five (5) council members from wards and not from the city
51 at large. The four (4) council members shall be elected one (1)
52 each from the wards in which they reside in the municipality, and
53 shall be elected only by the registered voters residing within the
54 ward in which the council member resides. The mayor and fifth
55 council member may continue to be elected from the city at large.

56 Any council member who shall remove his residence from the ward
57 from which he was elected shall, by operation of law, vacate his
58 seat on the council.

59 After publication of the population of the municipality
60 according to the 1980 decennial census, the governing authorities
61 of the municipality shall designate the geographical boundaries of
62 new wards as provided in this subparagraph. Each ward shall
63 contain as nearly as possible the population factor obtained by
64 dividing by four (4) the city's population as shown by the 1980

65 and each most recent decennial census thereafter. It shall be the
66 mandatory duty of the council to redistrict the city by ordinance,
67 which ordinance may not be vetoed by the mayor, within six (6)
68 months after the official publication by the United States of the
69 population of the city as enumerated in each decennial census, and
70 within six (6) months after the effective date of any expansion of
71 municipal boundaries; provided, however, if the publication of the
72 most recent decennial census or effective date of an expansion of
73 the municipal boundaries occurs six (6) months or more prior to
74 the first primary of a general municipal election, then the
75 council shall redistrict the city by ordinance within at least
76 sixty (60) days of such first primary. If the publication of the
77 most recent decennial census occurs less than six (6) months prior
78 to the first primary of a general municipal election, the election
79 shall be held with regard to currently defined wards; and
80 reapportioned wards based on the census shall not serve as the
81 basis for representation until the next regularly scheduled
82 election in which council members shall be elected. If annexation
83 of additional territory into the municipal corporate limits of the
84 city shall occur less than six (6) months prior to the first
85 primary of a general municipal election, the city council shall,
86 by ordinance adopted within three (3) days of the effective date
87 of such annexation, assign such annexed territory to an adjacent
88 ward or wards so as to maintain as nearly as possible substantial
89 equality of population between wards. Any subsequent
90 redistricting of the city by ordinance as required by this section
91 shall not serve as the basis for representation until the next
92 regularly scheduled election for city councilmen.

93 (2) However, in any municipality situated in a Class 1
94 county bordering on the Mississippi Sound and the State of
95 Alabama, traversed by U.S. Highway 90, the legislative power of
96 such municipality in which the council-manager plan of government
97 is in effect shall be vested in a council consisting of a mayor

98 and six (6) councilmen. In the next regular municipal election in
99 such municipality, the mayor shall be elected at large by the
100 voters of the entire municipality. Also, the councilmen shall be
101 elected at large by the voters of the entire municipality to
102 represent a municipality-wide district, or each of five (5)
103 councilmen may be elected from one (1) of five (5) wards to
104 represent said ward and one (1) councilman shall be elected to
105 represent a municipality-wide district. This option as to wards
106 shall be exercised by an appropriate ordinance enacted by the
107 municipal governing body. In the event the council fails to
108 exercise this option, the councilmen shall be elected at large to
109 represent the municipality-wide district. Councilmen elected to
110 represent wards must be residents of their wards for at least two
111 (2) years immediately preceding the time of qualification for
112 election.

113 The method of electing the mayor and councilmen shall be the
114 same as otherwise provided by law except as provided in this
115 chapter. The mayor and councilmen elected hereunder shall hold
116 office for a term of four (4) years and until their successors are
117 elected and qualified. No person shall be eligible to the office
118 of mayor or councilman unless he is a qualified elector of such
119 city.

120 (3) (a) In the event a city with a population of one
121 hundred thousand (100,000) or more inhabitants according to the
122 last decennial census adopts the council-manager form of
123 government, the legislative power of said city shall be vested in
124 a council consisting of a mayor and eight (8) councilmen.

125 (b) At the next regular municipal election which takes
126 place after the adoption of the council-manager form of
127 government, the mayor shall be elected at large by the voters of
128 the entire municipality. The municipality shall be divided into
129 five (5) wards with one (1) councilman to be elected from each
130 ward by the voters of that ward, and three (3) councilmen to be

131 elected from the municipality at large. Councilmen elected to
132 represent wards must be residents of their wards for at least two
133 (2) years immediately preceding the time of qualification for
134 election, and any councilman who removes his residence from the
135 city or from the ward from which he was elected shall vacate his
136 office.

137 (c) It shall be the duty of the municipal governing
138 body existing at the time of the adoption of the council-manager
139 form of government to designate the geographical boundaries of the
140 five (5) wards within sixty (60) days after the election in which
141 the council-manager form is selected. In designating the
142 geographical boundaries of the five (5) wards, each ward shall
143 contain as nearly as possible the population factor obtained by
144 dividing by five (5) the city's population as shown by the most
145 recent decennial census. It shall be the mandatory duty of the
146 council to redistrict the city by ordinance, which ordinance may
147 not be vetoed by the mayor, within six (6) months after the
148 official publication by the United States of the population of the
149 city as enumerated in each decennial census, and within six (6)
150 months after the effective date of any expansion of municipal
151 boundaries; however, if the publication of the most recent
152 decennial census or effective date of an expansion of the
153 municipal boundaries occurs six (6) months or more prior to the
154 first primary of a general municipal election, then the council
155 shall redistrict the city by ordinance within at least sixty (60)
156 days of such first primary. If the publication of the most recent
157 decennial census occurs less than six (6) months prior to the
158 first primary of a general municipal election, the election shall
159 be held with regard to currently defined wards; and reapportioned
160 wards based on the census shall not serve as the basis for
161 representation until the next regularly scheduled election in
162 which city councilmen shall be elected. If annexation of
163 additional territory into the municipal corporate limits of the

164 city shall occur less than six (6) months prior to the first
165 primary of a general municipal election, the city council shall,
166 by ordinance adopted within three (3) days of the effective date
167 of such annexation, assign such annexed territory to an adjacent
168 ward or wards so as to maintain as nearly as possible substantial
169 equality of population between wards; any subsequent redistricting
170 of the city by ordinance as required by this section shall not
171 serve as the basis for representation until the next regularly
172 scheduled election for city councilmen.

173 (4) The method of electing the mayor and councilmen shall be
174 the same as otherwise provided by law, except as provided in this
175 chapter. The mayor and councilmen elected hereunder shall hold
176 office for a term of four (4) years and until their successors are
177 elected and qualified. No person shall be eligible to the Office
178 of Mayor or Councilman unless he is a qualified elector of such
179 city.

180 SECTION 2. The Attorney General of the State of Mississippi
181 shall submit this act, immediately upon approval by the Governor,
182 or upon approval by the Legislature subsequent to a veto, to the
183 Attorney General of the United States or to the United States
184 District Court for the District of Columbia in accordance with the
185 provisions of the Voting Rights Act of 1965, as amended and
186 extended.

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