

By: Janus

To: Municipalities

HOUSE BILL NO. 412

1 AN ACT TO AMEND SECTION 21-8-7, 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 21-8-7, Mississippi Code of 1972, is
7 amended as follows:

8 21-8-7. (1) Each municipality operating under the
9 mayor-council form of government shall be governed by an elected
10 council and an elected mayor. Other officers and employees shall
11 be duly appointed pursuant to this chapter, general law or
12 ordinance.

13 (2) Except as otherwise provided in subsection (4) of this
14 section, the mayor and councilmen shall be elected by the voters
15 of the municipality at a regular municipal election held on the
16 first Tuesday after the first Monday in June as provided in
17 Section 21-11-7, and shall serve for a term of four (4) years
18 beginning on the first Monday of July next following his election.

19 (3) The terms of the initial mayor and councilmen shall
20 commence at the expiration of the terms of office of the elected
21 officials of the municipality serving at the time of adoption of
22 the mayor-council form.

23 (4) (a) The council shall consist of five (5), seven (7) or
24 nine (9) members. In the event there are five (5) councilmen, the
25 municipality shall be divided into either five (5) or four (4)
26 wards. In the event there are seven (7) councilmen, the
27 municipality shall be divided into either seven (7), six (6) or

28 five (5) wards. In the event there are nine (9) councilmen, the
29 municipality shall be divided into seven (7) or nine (9) wards. If
30 the municipality is divided into fewer wards than it has
31 councilmen, the other councilman or councilmen shall be elected
32 from the municipality at large. The total number of councilmen
33 and the number of councilmen elected from wards shall be
34 established by the petition or petitions presented pursuant to
35 Section 21-8-3. One (1) councilman shall be elected from each
36 ward by the voters of that ward. Councilmen elected to represent
37 wards must be residents of their wards for at least two (2) years
38 immediately preceding the time of qualification for election, and
39 any councilman who removes his residence from the municipality or
40 from the ward from which he was elected shall vacate his office.
41 However, any candidate for councilman who is properly qualified as
42 a candidate under applicable law shall be deemed to be qualified
43 as a candidate in whatever ward he resides if his ward has changed
44 after the council has redistricted the municipality as provided in
45 subparagraphs (c)(ii) and (iii) of this subsection (4), and if the
46 wards have been so changed, any person may qualify as a candidate
47 for councilman, using his existing residence or by changing his
48 residence, not less than fifteen (15) days prior to the first
49 party primary or special party primary, as the case may be,
50 notwithstanding any other residency or qualification requirements
51 to the contrary.

52 (b) The council or board existing at the time of the
53 adoption of the mayor-council form of government shall designate
54 the geographical boundaries of the wards within one hundred twenty
55 (120) days after the election in which the mayor-council form of
56 government is selected. In designating the geographical
57 boundaries of the wards, each ward shall contain, as nearly as
58 possible, the population factor obtained by dividing the
59 municipality's population as shown by the most recent decennial
60 census by the number of wards into which the municipality is to be
61 divided.

62 (c) (i) It shall be the mandatory duty of the council
63 to redistrict the municipality by ordinance, which ordinance may
64 not be vetoed by the mayor, within six (6) months after the

65 official publication by the United States of the population of the
66 municipality as enumerated in each decennial census, and within
67 six (6) months after the effective date of any expansion of
68 municipal boundaries; however, if the publication of the most
69 recent decennial census or effective date of an expansion of the
70 municipal boundaries occurs six (6) months or more before the
71 first party primary of a general municipal election, then the
72 council shall redistrict the municipality by ordinance not less
73 than sixty (60) days before the first party primary.

74 (ii) If the publication of the most recent
75 decennial census occurs less than six (6) months before the first
76 party primary of a general municipal election, then the council
77 shall redistrict the municipality by ordinance not later than
78 twenty (20) days before the first party primary.

79 (iii) If the publication of the most recent
80 decennial census is not received by the council in time to
81 redistrict the municipality at least twenty (20) days before the
82 first party primary of a general municipal election, then the
83 council shall redistrict the municipality by ordinance not later
84 than twenty (20) days before a special party primary provided for
85 hereafter in this subparagraph. If the census is not received in
86 time to redistrict the municipality, as provided above, the mayor
87 and councilmen shall be elected by the voters of the municipality
88 at a special general municipal election held on the fourth Tuesday
89 after the first Monday in June, and a special party primary shall
90 be held on the second Tuesday after the first Monday in June,
91 notwithstanding the provisions of Sections 21-11-5 and 21-11-7 to
92 the contrary.

93 (d) If annexation of additional territory into the
94 municipal corporate limits of the municipality shall occur less
95 than six (6) months before the first party primary of a general
96 municipal election, the council shall, by ordinance adopted within
97 three (3) days of the effective date of the annexation, assign the

98 annexed territory to an adjacent ward or wards so as to maintain
99 as nearly as possible substantial equality of population between
100 wards; any subsequent redistricting of the municipality by
101 ordinance as required by this chapter shall not serve as the basis
102 for representation until the next regularly scheduled election for
103 municipal councilmen.

104 (e) If the council shall have failed to redistrict the
105 municipality as herein required, the members of the council shall
106 not receive any further salaries until the council shall have
107 adopted such ordinance and the checks for such salaries for said
108 periods shall not be issued.

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

111 (6) The mayor shall maintain an office at the city hall. The
112 councilmen shall not maintain individual offices at the city hall;
113 provided, however, that in municipalities with populations of one
114 hundred ninety thousand (190,000) and above, councilmen may have
115 individual offices in the city hall. Clerical work of councilmen
116 in the performance of the duties of their office shall be
117 performed by municipal employees or at municipal expense, and
118 councilmen shall be reimbursed for the reasonable expenses
119 incurred in the performance of the duties of their office.

120 SECTION 2. The Attorney General of the State of Mississippi
121 shall submit this act, immediately upon approval by the Governor,
122 or upon approval by the Legislature subsequent to a veto, to the
123 Attorney General of the United States or to the United States
124 District Court for the District of Columbia in accordance with the
125 provisions of the Voting Rights Act of 1965, as amended and
126 extended.

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