

By: Janus

To: Municipalities

HOUSE BILL NO. 412  
(As Passed the House)

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 DEADLINE ESTABLISHED BY LAW FOR  
4 CANDIDATES TO QUALIFY FOR OFFICE; 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 deadline established by law for  
39 candidates to qualify for the office of councilman, and any  
40 councilman who removes his residence from the municipality or from  
41 the ward from which he was elected shall vacate his office.  
42 However, any candidate for councilman who is properly qualified as  
43 a candidate under applicable law shall be deemed to be qualified  
44 as a candidate in whatever ward he resides if his ward has changed  
45 after the council has redistricted the municipality as provided in  
46 subparagraphs (c)(ii) and (iii) of this subsection (4), and if the  
47 wards have been so changed, any person may qualify as a candidate  
48 for councilman, using his existing residence or by changing his  
49 residence, not less than fifteen (15) days prior to the first  
50 party primary or special party primary, as the case may be,  
51 notwithstanding any other residency or qualification requirements  
52 to the contrary.

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

63 (c) (i) It shall be the mandatory duty of the council  
64 to redistrict the municipality by ordinance, which ordinance may

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

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

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

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

98 three (3) days of the effective date of the annexation, assign the  
99 annexed territory to an adjacent ward or wards so as to maintain  
100 as nearly as possible substantial equality of population between  
101 wards; any subsequent redistricting of the municipality by  
102 ordinance as required by this chapter shall not serve as the basis  
103 for representation until the next regularly scheduled election for  
104 municipal councilmen.

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

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

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

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

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