

By: Representative Denny

To: Municipalities;  
Apportionment and Elections

HOUSE BILL NO. 452

1 AN ACT TO AMEND SECTION 21-8-7, MISSISSIPPI CODE OF 1972, TO  
2 CONFORM REDISTRICTING PROVISIONS FOR THE MAYOR-COUNCIL FORM OF  
3 GOVERNMENT TO THE COUNCIL-MANAGER FORM; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 21-8-7, Mississippi Code of 1972, is  
6 amended as follows:

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

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

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

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

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

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

60 (c) (i) It shall be the mandatory duty of the council  
61 to redistrict the municipality by ordinance, which ordinance may  
62 not be vetoed by the mayor, within six (6) months after the  
63 official publication by the United States of the population of the  
64 municipality as enumerated in each decennial census, and within  
65 six (6) months after the effective date of any expansion of  
66 municipal boundaries; however, if the publication of the most  
67 recent decennial census or effective date of an expansion of the  
68 municipal boundaries occurs six (6) months or more prior to the  
69 first party primary of a general municipal election, then the  
70 council shall redistrict the municipality by ordinance not less  
71 than sixty (60) days prior to such first party primary.

72 (ii) If the publication of the most recent  
73 decennial census occurs less than six (6) months prior to the  
74 first primary of a general municipal election, the election shall  
75 be held with regard to currently defined wards; and reapportioned  
76 wards based on the census shall not serve as the basis for  
77 representation until the next regularly scheduled election in  
78 which council members shall be elected.

79 (d) If annexation of additional territory into the  
80 municipal corporate limits of the municipality shall occur less  
81 than six (6) months prior to the first party primary of a general  
82 municipal election, the council shall, by ordinance adopted within  
83 three (3) days of the effective date of such annexation, assign  
84 such annexed territory to an adjacent ward or wards so as to  
85 maintain as nearly as possible substantial equality of population  
86 between wards; any subsequent redistricting of the municipality by  
87 ordinance as required by this chapter shall not serve as the basis  
88 for representation until the next regularly scheduled election for  
89 municipal councilmen.

90 \* \* \*

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

93           (6) The mayor shall maintain an office at the city hall.  
94 The councilmen shall not maintain individual offices at the city  
95 hall; provided, however, that in municipalities with populations  
96 of one hundred ninety thousand (190,000) and above, councilmen may  
97 have individual offices in the city hall. Clerical work of  
98 councilmen in the performance of the duties of their office shall  
99 be performed by municipal employees or at municipal expense, and  
100 councilmen shall be reimbursed for the reasonable expenses  
101 incurred in the performance of the duties of their office.

102           SECTION 2. The Attorney General of the State of Mississippi  
103 shall submit this act, immediately upon approval by the Governor,  
104 or upon approval by the Legislature subsequent to a veto, to the  
105 Attorney General of the United States or to the United States  
106 District Court for the District of Columbia in accordance with the  
107 provisions of the Voting Rights Act of 1965, as amended and  
108 extended.

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