HOUSE BILL NO. 452

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

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

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

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

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

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

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

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

(b) The council or board existing at the time of the adoption of the mayor-council form of government shall designate the geographical boundaries of the wards within one hundred twenty (120) days after the election in which the mayor-council form of government is selected. In designating the geographical boundaries of the wards, each ward shall contain, as nearly as possible, the population factor obtained by dividing the municipality's population as shown by the most recent decennial census by the number of wards into which the municipality is to be divided.
(c) (i) It shall be the mandatory duty of the council to redistrict the municipality by ordinance, which ordinance may not be vetoed by the mayor, within six (6) months after the official publication by the United States of the population of the municipality as enumerated in each decennial census, and within six (6) months after the effective date of any expansion of municipal boundaries; however, if the publication of the most recent decennial census or effective date of an expansion of the municipal boundaries occurs six (6) months or more prior to the first party primary of a general municipal election, then the council shall redistrict the municipality by ordinance not less than sixty (60) days prior to such first party primary.

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

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

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(5) Vacancies occurring in the council shall be filled as provided in Section 23-15-857.
(6) The mayor shall maintain an office at the city hall. The councilmen shall not maintain individual offices at the city hall; provided, however, that in municipalities with populations of one hundred ninety thousand (190,000) and above, councilmen may have individual offices in the city hall. Clerical work of councilmen in the performance of the duties of their office shall be performed by municipal employees or at municipal expense, and councilmen shall be reimbursed for the reasonable expenses incurred in the performance of the duties of their office.

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

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