

By: Senator(s) Jordan, Burton, King,
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To: Municipalities;
Elections

SENATE BILL NO. 2206

1 AN ACT TO AMEND SECTION 21-8-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DECENNIAL REDISTRICTING OF MUNICIPALITIES OPERATED
3 UNDER THE MAYOR-COUNCIL FORM OF GOVERNMENT; AND FOR RELATED
4 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 at the time of
38 qualification for election, and any councilman who removes his
39 residence from the municipality or from the ward from which he was
40 elected shall vacate his office. * * *

41 (b) The council or board existing at the time of the
42 adoption of the mayor-council form of government shall designate
43 the geographical boundaries of the wards within one hundred twenty
44 (120) days after the election in which the mayor-council form of
45 government is selected. In designating the geographical
46 boundaries of the wards, each ward shall contain, as nearly as
47 possible, the population factor obtained by dividing the
48 municipality's population as shown by the most recent decennial
49 census by the number of wards into which the municipality is to be
50 divided.

51 (c) * * * It shall be the mandatory duty of the council
52 to redistrict the municipality by ordinance, which ordinance may
53 not be vetoed by the mayor, within six (6) months after the
54 official publication by the United States of the population of the
55 municipality as enumerated in each decennial census, and within
56 six (6) months after the effective date of any expansion of
57 municipal boundaries; however, if the publication of the most
58 recent decennial census or effective date of an expansion of the
59 municipal boundaries occurs six (6) months or more prior to the
60 first party primary of a general municipal election, then the
61 council shall redistrict the municipality by ordinance not less



62 than sixty (60) days prior to such first party primary. * * * If
63 the publication of the most recent decennial census occurs less
64 than six (6) months prior to the first party primary of a general
65 municipal election, the election shall be held with regard to
66 currently defined wards; and reapportioned wards based on the
67 census shall not serve as the basis for representation until the
68 next regularly scheduled election in which council members shall
69 be elected.

70 * * *

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

82 * * *

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

85 (6) The mayor shall maintain an office at the city hall. The
86 councilmen shall not maintain individual offices at the city hall;
87 provided, however, that in municipalities with populations of one
88 hundred ninety thousand (190,000) and above, councilmen may have
89 individual offices in the city hall. Clerical work of councilmen
90 in the performance of the duties of their office shall be
91 performed by municipal employees or at municipal expense, and
92 councilmen shall be reimbursed for the reasonable expenses
93 incurred in the performance of the duties of their office.



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

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

