

By: Representative Denny

To: Apportionment and Elections

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 799

1 AN ACT TO AMEND SECTION 23-15-283, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT CHANGES TO PRECINCT BOUNDARIES UNTIL THE LEGISLATURE  
3 COMPLETES ITS REDISTRICTING PLAN FOR THE HOUSE OF REPRESENTATIVES  
4 AND SENATE DISTRICTS; TO AMEND SECTIONS 23-15-281 AND 23-15-285,  
5 MISSISSIPPI CODE OF 1972, TO MAKE TECHNICAL CHANGES; TO AMEND  
6 SECTION 19-3-1, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
7 PROVISIONS OF THIS ACT; TO BRING FORWARD SECTIONS 21-8-7 AND  
8 21-9-15, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE  
9 AMENDMENT; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 23-15-283, Mississippi Code of 1972, is  
12 amended as follows:

13 23-15-283. The board of supervisors shall have power to  
14 alter the boundaries of the supervisors districts, voting  
15 precincts and the voting place therein within seven (7) years  
16 after one (1) of the following occurs:

17 (1) The special apportionment session adopts a joint  
18 resolution of apportionment as provided in Section 254,  
19 Mississippi Constitution of 1890;



20       (2) The special apportionment session fails to adopt a joint  
21 resolution of apportionment within the time required in Section  
22 254, Mississippi Constitution of 1890; or

23       (3) A court of competent jurisdiction in this state orders  
24 the boards of supervisors to alter the boundaries of the  
25 supervisors districts, voting precincts and the voting place  
26 therein. If the board of supervisors orders a change in the  
27 boundaries, they shall notify the commissioners of election, who  
28 shall at once cause the registration books of voting precincts  
29 affected by the order to be changed to conform to the change so as  
30 to contain only the names of the qualified electors in the voting  
31 precincts as made by the change of boundaries. Upon the order of  
32 change in the boundaries of any voting precinct or the voting  
33 place therein, the board of supervisors shall notify the Office of  
34 the Secretary of State and provide the Office of the Secretary of  
35 State a legal description and a map of any boundary change. No  
36 change shall be implemented or enforced until the requirements of  
37 this section have been met.

38       **SECTION 2.** Section 23-15-281, Mississippi Code of 1972, is  
39 amended as follows:

40       23-15-281. Each county shall be divided into supervisors  
41 districts, which shall be the same as those for the election of  
42 members of the board of supervisors, and may be subdivided  
43 thereafter into voting precincts; and there shall be only one (1)  
44 voting place in each voting precinct, but the supervisors



45 districts, voting precincts and voting places as now fixed in each  
46 county shall remain until altered. \* \* \* The board of  
47 supervisors, no later than April 1, 1987, shall notify the office  
48 of the Secretary of State of the boundary of each supervisors  
49 district and voting precinct as then fixed and shall provide said  
50 office a legal description and a map of each supervisors district  
51 and voting precinct and shall indicate the voting place in each  
52 such district.

53 **SECTION 3.** Section 23-15-285, Mississippi Code of 1972, is  
54 amended as follows:

55 23-15-285. The board of supervisors shall cause an entry to  
56 be made on the minutes of the board at some meeting, as early as  
57 convenient, defining the boundaries of the several supervisors  
58 districts and voting precincts in the county, and designating the  
59 voting place in each voting precinct; and as soon as practicable  
60 after any change is made in any supervisors district, voting  
61 precinct or any voting place, the board of supervisors shall cause  
62 such change to be entered on the minutes of the board in such  
63 manner as to be easily understood. \* \* \* Precinct boundaries may  
64 be changed only during the times provided in Section 23-15-283.

65 No voting precinct shall have more than five hundred (500)  
66 qualified electors residing in its boundaries. Subject to the  
67 provisions of this section, each board of supervisors of the  
68 various counties of this state shall as soon as practical after  
69 January 1, 1987, alter or change the boundaries of the various



70 voting precincts to comply herewith and shall from time to time  
71 make such changes in the boundaries of voting precincts so that  
72 there shall never be more than five hundred (500) qualified  
73 electors within the boundaries of the various voting precincts of  
74 this state; provided further, this limitation shall not apply to  
75 voting precincts that are so divided, alphabetically or otherwise,  
76 so as to have less than five hundred (500) qualified electors in  
77 any one (1) box within a voting precinct. However, the limitation  
78 of five hundred (500) qualified electors to the voting precinct  
79 shall not apply to voting precincts in which voting machines are  
80 used at all elections held in that voting precinct. No change in  
81 any supervisors district or voting precinct shall take effect less  
82 than thirty (30) days before the qualifying deadline for the  
83 office of county supervisor. \* \* \*

84 **SECTION 4.** Section 19-3-1, Mississippi Code of 1972, is  
85 amended as follows:

86 19-3-1. Each county shall be divided into five (5)  
87 districts, with due regard to equality of population and  
88 convenience of situation for the election of members of the boards  
89 of supervisors, but the districts as now existing shall continue  
90 until changed. The qualified electors of each district shall  
91 elect, at the next general election, and every four (4) years  
92 thereafter, in their districts one (1) member of the board of  
93 supervisors. Subject to the provisions of Sections 23-15-285 and  
94 23-15-283, the board, by a three-fifths (3/5) vote of all members



95 elected, may change the districts, the boundaries to be entered at  
96 large in the minutes of the proceedings of the board. \* \* \*

97 If the boundaries of the districts are changed by order of  
98 the board of supervisors as provided in this section, the order  
99 shall be published in a newspaper having general circulation in  
100 the county once each week for three (3) consecutive weeks.

101 **SECTION 5.** Section 21-8-7, Mississippi Code of 1972, is  
102 brought forward as follows:

103 21-8-7. (1) Each municipality operating under the  
104 mayor-council form of government shall be governed by an elected  
105 council and an elected mayor. Other officers and employees shall  
106 be duly appointed pursuant to this chapter, general law or  
107 ordinance.

108 (2) Except as otherwise provided in subsection (4) of this  
109 section, the mayor and council members shall be elected by the  
110 voters of the municipality at a regular municipal election held on  
111 the first Tuesday after the first Monday in June as provided in  
112 Section 21-11-7, and shall serve for a term of four (4) years  
113 beginning on the first day of July next following the election  
114 that is not on a weekend.

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



119           (4)   (a)   The council shall consist of five (5), seven (7) or  
120 nine (9) members. In the event there are five (5) council  
121 members, the municipality shall be divided into either five (5) or  
122 four (4) wards. In the event there are seven (7) council members,  
123 the municipality shall be divided into either seven (7), six (6)  
124 or five (5) wards. In the event there are nine (9) council  
125 members, the municipality shall be divided into seven (7) or nine  
126 (9) wards. If the municipality is divided into fewer wards than  
127 it has council members, the other council member or members shall  
128 be elected from the municipality at large. The total number of  
129 council members and the number of council members elected from  
130 wards shall be established by the petition or petitions presented  
131 pursuant to Section 21-8-3. One (1) council member shall be  
132 elected from each ward by the voters of that ward. Council  
133 members elected to represent wards must be residents of their  
134 wards at the time of qualification for election, and any council  
135 member who removes the member's residence from the municipality or  
136 from the ward from which elected shall vacate that office.  
137 However, any candidate for council member who is properly  
138 qualified as a candidate under applicable law shall be deemed to  
139 be qualified as a candidate in whatever ward the member resides if  
140 the ward has changed after the council has redistricted the  
141 municipality as provided in paragraph (c)(ii) of this subsection  
142 (4), and if the wards have been so changed, any person may qualify  
143 as a candidate for council member, using the person's existing



144 residence or by changing the person's residence, not less than  
145 fifteen (15) days before the first party primary or special party  
146 primary, as the case may be, notwithstanding any other residency  
147 or qualification requirements to the contrary.

148 (b) The council or board existing at the time of the  
149 adoption of the mayor-council form of government shall designate  
150 the geographical boundaries of the wards within one hundred twenty  
151 (120) days after the election in which the mayor-council form of  
152 government is selected. In designating the geographical  
153 boundaries of the wards, each ward shall contain, as nearly as  
154 possible, the population factor obtained by dividing the  
155 municipality's population as shown by the most recent decennial  
156 census by the number of wards into which the municipality is to be  
157 divided.

158 (c) (i) It shall be the mandatory duty of the council  
159 to redistrict the municipality by ordinance, which ordinance may  
160 not be vetoed by the mayor, within six (6) months after the  
161 official publication by the United States of the population of the  
162 municipality as enumerated in each decennial census, and within  
163 six (6) months after the effective date of any expansion of  
164 municipal boundaries; however, if the publication of the most  
165 recent decennial census or effective date of an expansion of the  
166 municipal boundaries occurs six (6) months or more before the  
167 first party primary of a general municipal election, then the



168 council shall redistrict the municipality by ordinance not less  
169 than sixty (60) days before the first party primary.

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

177 (d) If annexation of additional territory into the  
178 municipal corporate limits of the municipality occurs less than  
179 six (6) months before the first party primary of a general  
180 municipal election, the council shall, by ordinance adopted within  
181 three (3) days of the effective date of the annexation, assign the  
182 annexed territory to an adjacent ward or wards so as to maintain  
183 as nearly as possible substantial equality of population between  
184 wards; any subsequent redistricting of the municipality by  
185 ordinance, as required by this chapter, shall not serve as the  
186 basis for representation until the next regularly scheduled  
187 election for municipal council members.

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

190 (6) The mayor shall maintain an office at the city hall.  
191 The council members shall not maintain individual offices at the  
192 city hall; however, in a municipality having a population of one





193 hundred thousand (100,000) and above according to the latest  
194 federal decennial census, council members may have individual  
195 offices in the city hall. Clerical work of council members in the  
196 performance of the duties of their office shall be performed by  
197 municipal employees or at municipal expense, and council members  
198 shall be reimbursed for the reasonable expenses incurred in the  
199 performance of the duties of their office.

200       **SECTION 6.** Section 21-9-15, Mississippi Code of 1972, is  
201 brought forward as follows:

202       21-9-15. (1) (a) The legislative power of any city in  
203 which the council-manager plan of government is in effect under  
204 this chapter shall be vested in a council consisting of a mayor  
205 and five (5) councilmen.

206       (b) Any city with a larger or smaller number of  
207 councilmen, prior to September 30, 1962, may retain this larger or  
208 smaller number of councilmen or may adopt the council size of five  
209 (5) as prescribed herein. This option shall be exercised through  
210 the enactment of an appropriate ordinance by the municipal  
211 governing body prior to the election to adopt the council-manager  
212 plan of government. In the event the council fails to exercise  
213 this option, the council shall consist of five (5) councilmen.

214       (c) At the next regular municipal election which takes  
215 place after the adoption of the council-manager form of  
216 government, the mayor shall be elected at large by the voters of  
217 the entire city. Also, the councilmen shall be elected at large



218 by the voters of the entire city to represent a city-wide  
219 district, or each of four (4) councilmen may be elected from a  
220 ward to represent such ward and one (1) councilman may be elected  
221 to represent a city-wide district. This option shall be exercised  
222 by an appropriate ordinance enacted by the city governing body  
223 prior to the election to adopt the council-manager plan of  
224 government. In the event the council fails to exercise this  
225 option, the councilmen shall be elected at large to represent the  
226 city-wide district. In its discretion at any time after adoption  
227 and implementation of the council-manager plan of government the  
228 council may provide for the election of councilmen by wards as  
229 provided herein, which shall become effective at the next  
230 regularly scheduled election for city councilmen.

231 (d) Councilmen elected to represent wards must be  
232 residents of their wards; and in cities having more or fewer than  
233 five (5) councilmen, prior to September 30, 1962, the city  
234 governing body shall determine the number of councilmen to  
235 represent the wards and the number of councilmen to represent the  
236 city-wide district.

237 (e) The council of any municipality having a population  
238 exceeding forty-five thousand (45,000) inhabitants according to  
239 the 1970 decennial census which is situated in a Class 1 county  
240 bordering on the State of Alabama and which is governed by a  
241 council-manager plan of government on January 1, 1977 may, in its  
242 discretion, adopt an ordinance to require the election of four (4)



243 of the five (5) council members from wards and not from the city  
244 at large. The four (4) council members shall be elected one (1)  
245 each from the wards in which they reside in the municipality, and  
246 shall be elected only by the registered voters residing within the  
247 ward in which the council member resides. The mayor and fifth  
248 council member may continue to be elected from the city at large.  
249 Any council member who shall remove his residence from the ward  
250 from which he was elected shall, by operation of law, vacate his  
251 seat on the council.

252 After publication of the population of the municipality  
253 according to the 1980 decennial census, the governing authorities  
254 of the municipality shall designate the geographical boundaries of  
255 new wards as provided in this subparagraph. Each ward shall  
256 contain as nearly as possible the population factor obtained by  
257 dividing by four (4) the city's population as shown by the 1980  
258 and each most recent decennial census thereafter. It shall be the  
259 mandatory duty of the council to redistrict the city by ordinance,  
260 which ordinance may not be vetoed by the mayor, within six (6)  
261 months after the official publication by the United States of the  
262 population of the city as enumerated in each decennial census, and  
263 within six (6) months after the effective date of any expansion of  
264 municipal boundaries; provided, however, if the publication of the  
265 most recent decennial census or effective date of an expansion of  
266 the municipal boundaries occurs six (6) months or more prior to  
267 the first primary of a general municipal election, then the



268 council shall redistrict the city by ordinance within at least  
269 sixty (60) days of such first primary. If the publication of the  
270 most recent decennial census occurs less than six (6) months prior  
271 to the first primary of a general municipal election, the election  
272 shall be held with regard to currently defined wards; and  
273 reapportioned wards based on the census shall not serve as the  
274 basis for representation until the next regularly scheduled  
275 election in which council members shall be elected. If annexation  
276 of additional territory into the municipal corporate limits of the  
277 city shall occur less than six (6) months prior to the first  
278 primary of a general municipal election, the city council shall,  
279 by ordinance adopted within three (3) days of the effective date  
280 of such annexation, assign such annexed territory to an adjacent  
281 ward or wards so as to maintain as nearly as possible substantial  
282 equality of population between wards. Any subsequent  
283 redistricting of the city by ordinance as required by this section  
284 shall not serve as the basis for representation until the next  
285 regularly scheduled election for city councilmen.

286 (2) However, in any municipality situated in a Class 1  
287 county bordering on the Mississippi Sound and the State of  
288 Alabama, traversed by U.S. Highway 90, the legislative power of  
289 such municipality in which the council-manager plan of government  
290 is in effect shall be vested in a council consisting of a mayor  
291 and six (6) councilmen. In the next regular municipal election in  
292 such municipality, the mayor shall be elected at large by the



293 voters of the entire municipality. Also, the councilmen shall be  
294 elected at large by the voters of the entire municipality to  
295 represent a municipality-wide district, or each of five (5)  
296 councilmen may be elected from one (1) of five (5) wards to  
297 represent said ward and one (1) councilman shall be elected to  
298 represent a municipality-wide district. This option as to wards  
299 shall be exercised by an appropriate ordinance enacted by the  
300 municipal governing body. In the event the council fails to  
301 exercise this option, the councilmen shall be elected at large to  
302 represent the municipality-wide district. Councilmen elected to  
303 represent wards must be residents of their wards.

304 The method of electing the mayor and councilmen shall be the  
305 same as otherwise provided by law except as provided in this  
306 chapter. The mayor and councilmen elected hereunder shall hold  
307 office for a term of four (4) years and until their successors are  
308 elected and qualified. No person shall be eligible to the office  
309 of mayor or councilman unless he is a qualified elector of such  
310 city.

311 (3) (a) In the event a city with a population of one  
312 hundred thousand (100,000) or more inhabitants according to the  
313 last decennial census adopts the council-manager form of  
314 government, the legislative power of said city shall be vested in  
315 a council consisting of a mayor and eight (8) councilmen.

316 (b) At the next regular municipal election which takes  
317 place after the adoption of the council-manager form of



318 government, the mayor shall be elected at large by the voters of  
319 the entire municipality. The municipality shall be divided into  
320 five (5) wards with one (1) councilman to be elected from each  
321 ward by the voters of that ward, and three (3) councilmen to be  
322 elected from the municipality at large. Councilmen elected to  
323 represent wards must be residents of their wards at the time of  
324 qualification for election, and any councilman who removes his  
325 residence from the city or from the ward from which he was elected  
326 shall vacate his office.

327 (c) It shall be the duty of the municipal governing  
328 body existing at the time of the adoption of the council-manager  
329 form of government to designate the geographical boundaries of the  
330 five (5) wards within sixty (60) days after the election in which  
331 the council-manager form is selected. In designating the  
332 geographical boundaries of the five (5) wards, each ward shall  
333 contain as nearly as possible the population factor obtained by  
334 dividing by five (5) the city's population as shown by the most  
335 recent decennial census. It shall be the mandatory duty of the  
336 council to redistrict the city by ordinance, which ordinance may  
337 not be vetoed by the mayor, within six (6) months after the  
338 official publication by the United States of the population of the  
339 city as enumerated in each decennial census, and within six (6)  
340 months after the effective date of any expansion of municipal  
341 boundaries; however, if the publication of the most recent  
342 decennial census or effective date of an expansion of the



343 municipal boundaries occurs six (6) months or more prior to the  
344 first primary of a general municipal election, then the council  
345 shall redistrict the city by ordinance within at least sixty (60)  
346 days of such first primary. If the publication of the most recent  
347 decennial census occurs less than six (6) months prior to the  
348 first primary of a general municipal election, the election shall  
349 be held with regard to currently defined wards; and reapportioned  
350 wards based on the census shall not serve as the basis for  
351 representation until the next regularly scheduled election in  
352 which city councilmen shall be elected. If annexation of  
353 additional territory into the municipal corporate limits of the  
354 city shall occur less than six (6) months prior to the first  
355 primary of a general municipal election, the city council shall,  
356 by ordinance adopted within three (3) days of the effective date  
357 of such annexation, assign such annexed territory to an adjacent  
358 ward or wards so as to maintain as nearly as possible substantial  
359 equality of population between wards; any subsequent redistricting  
360 of the city by ordinance as required by this section shall not  
361 serve as the basis for representation until the next regularly  
362 scheduled election for city councilmen.

363 (4) The method of electing the mayor and councilmen shall be  
364 the same as otherwise provided by law, except as provided in this  
365 chapter. The mayor and councilmen elected hereunder shall hold  
366 office for a term of four (4) years and until their successors are  
367 elected and qualified. No person shall be eligible to the office



368 of mayor or councilman unless he is a qualified elector of such  
369 city.

370         **SECTION 7.** This act shall take effect and be in force from  
371 and after July 1, 2016.

