

By: Representatives Denny, Sykes

To: Apportionment and
Elections

HOUSE BILL NO. 914

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, 21-9-15
8 AND 23-15-39, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF
9 POSSIBLE 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. (1) The board of supervisors shall have power to
14 alter the boundaries of the supervisors districts, voting
15 precincts, sub-precincts and the voting place therein. If the
16 board of supervisors orders a change in the boundaries, they shall
17 notify the election commissioners, who shall at once cause the
18 voter rolls as electronically maintained by the Statewide
19 Elections Management System of voting precincts affected by the
20 order to be changed to conform to the change so as to contain only
21 the names of the qualified electors in the voting precincts as



22 made by the change of boundaries. Upon the order of change in the
23 boundaries of any voting precinct or the voting place therein, the
24 board of supervisors shall notify the Office of the Secretary of
25 State and provide the Office of the Secretary of State a legal
26 description and a map of any boundary change. No change shall be
27 implemented or enforced until the requirements of this section
28 have been met.

29 (2) Only officials certified by the Secretary of State shall
30 be authorized to implement boundary line changes in the Statewide
31 Elections Management System. The training and certification
32 required under this subsection (2) shall be available to the
33 circuit clerk, county election commissioners or any other
34 individual designated by the board of supervisors to be
35 responsible for implementing boundary line changes into the
36 Statewide Elections Management System.

37 (3) Any governmental entity authorized to adopt, amend or
38 change boundary lines shall immediately forward all changed
39 boundary lines to the appropriate circuit clerk, who shall, if
40 authorized under subsection (2), implement the boundary line
41 changes in the Statewide Elections Management System. If the
42 circuit clerk is not the appropriate person to implement the
43 boundary line changes, the clerk shall immediately forward a copy
44 of all materials to the appropriate person. Copies of any
45 boundary line changes within the county shall be maintained in the
46 office of the circuit clerk and made available for public



inspection. No change shall be implemented or enforced until the requirements of this section have been met.

(4) Precinct boundary changes affected by the authority of this section or of any other provision of law shall not be implemented during any decade after the last day of September of the year ending in eight (8). Precinct boundaries in force and effect at such time shall remain in effect and unalterable until the last day of December in the next year ending in zero. This prohibition shall not bar the creation or modification of sub-precinct boundaries.

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

23-15-281. (1) Each county shall be divided into supervisors districts, which shall be the same as those for the election of members of the board of supervisors, and may be subdivided thereafter into voting precincts; and there shall be only one (1) voting place in each voting precinct. * * * The board of supervisors shall notify the Office of the Secretary of State of the boundary of each supervisors district, sub-precinct and voting precinct as then fixed and shall provide the office a legal description and a map of each supervisors district, sub-precinct and voting precinct and shall indicate the voting place in each such district. The board of supervisors shall also ensure the legal description and map of each supervisors district is available in the circuit clerk's office for public inspection.



72 (2) The board of supervisors is authorized, by order spread
73 upon the minutes of the board setting forth the cost and source of
74 funds therefor, to purchase improved or unimproved property and to
75 construct, reconstruct, repair, renovate and maintain polling
76 places, or to pay to private property owners reasonable rental
77 fees when the property is used as a polling place for a period not
78 to exceed the day immediately preceding the election, the day of
79 the election, and the day immediately following the election. On
80 or before May 1, 2019, the county board of supervisors shall
81 ensure each polling place is accessible to all voters,
82 structurally sound, capable of providing air conditioning and
83 heating and compliant with the Americans with Disabilities Act.

84 (3) All facilities owned or leased by the state, county,
85 municipality, or school district may be made available at no cost
86 to the board of supervisors for use as polling places to such
87 extent as may be agreed to by the authority having control or
88 custody of these facilities.

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

91 23-15-285. The board of supervisors shall cause an entry to
92 be made on the minutes of the board at some meeting, as early as
93 convenient, defining the boundaries of the several supervisors
94 districts, sub-precincts and voting precincts in the county, and
95 designating the voting place in each voting precinct; and as soon
96 as practicable after any change is made in any supervisors



district, sub-precincts, voting precinct or any voting place, the board of supervisors shall cause the change to be entered on the minutes of the board in such manner as to be easily understood.

* * * Precinct boundaries may be changed only during the times provided in Section 23-15-283.

No voting precinct shall have more than five hundred (500) qualified electors residing in its boundaries. Subject to the provisions of this section, each board of supervisors of the various counties of this state shall as soon as practical after January 1, 1987, alter or change the boundaries of the various voting precincts to comply herewith and shall from time to time make such changes in the boundaries of voting precincts so that there shall never be more than five hundred (500) qualified electors within the boundaries of the various voting precincts of this state; provided further, this limitation shall not apply to voting precincts that are so divided, alphabetically or otherwise, so as to have less than five hundred (500) qualified electors in any one (1) box within a voting precinct. However, the limitation of five hundred (500) qualified electors to the voting precinct shall not apply to voting precincts in which voting machines are used at all elections held in that voting precinct. No change in any supervisors district, sub-precinct or voting precinct shall take effect less than thirty (30) days before the qualifying deadline for the office of county supervisor. * * *



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

123 19-3-1. Each county shall be divided into five (5)
124 districts, with due regard to equality of population and
125 convenience of situation for the election of members of the boards
126 of supervisors, but the districts as now existing shall continue
127 until changed. The qualified electors of each district shall
128 elect, at the next general election, and every four (4) years
129 thereafter, in their districts one (1) member of the board of
130 supervisors. Subject to the provisions of Sections 23-15-285 and
131 23-15-283, the board, by a three-fifths (3/5) vote of all members
132 elected, may change the districts, the boundaries to be entered at
133 large in the minutes of the proceedings of the board. * * *

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

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

140 21-8-7. (1) Each municipality operating under the
141 mayor-council form of government shall be governed by an elected
142 council and an elected mayor. Other officers and employees shall
143 be duly appointed pursuant to this chapter, general law or
144 ordinance.



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

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

156 (4) (a) The council shall consist of five (5), seven (7) or
157 nine (9) members. In the event there are five (5) council
158 members, the municipality shall be divided into either five (5) or
159 four (4) wards. In the event there are seven (7) council members,
160 the municipality shall be divided into either seven (7), six (6)
161 or five (5) wards. In the event there are nine (9) council
162 members, the municipality shall be divided into seven (7) or nine
163 (9) wards. If the municipality is divided into fewer wards than
164 it has council members, the other council member or members shall
165 be elected from the municipality at large. The total number of
166 council members and the number of council members elected from
167 wards shall be established by the petition or petitions presented
168 pursuant to Section 21-8-3. One (1) council member shall be
169 elected from each ward by the voters of that ward. Council



members elected to represent wards must be residents of their wards at the time of qualification for election, and any council member who removes the member's residence from the municipality or from the ward from which elected shall vacate that office. However, any candidate for council member who is properly qualified as a candidate under applicable law shall be deemed to be qualified as a candidate in whatever ward the member resides if the ward has changed after the council has redistricted the municipality as provided in paragraph (c)(ii) of this subsection (4), and if the wards have been so changed, any person may qualify as a candidate for council member, using the person's existing residence or by changing the person's residence, not less than fifteen (15) days before 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.



195 (c) (i) It shall be the mandatory duty of the council
196 to redistrict the municipality by ordinance, which ordinance may
197 not be vetoed by the mayor, within six (6) months after the
198 official publication by the United States of the population of the
199 municipality as enumerated in each decennial census, and within
200 six (6) months after the effective date of any expansion of
201 municipal boundaries; however, if the publication of the most
202 recent decennial census or effective date of an expansion of the
203 municipal boundaries occurs six (6) months or more before the
204 first party primary of a general municipal election, then the
205 council shall redistrict the municipality by ordinance not less
206 than sixty (60) days before the first party primary.

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

214 (d) If annexation of additional territory into the
215 municipal corporate limits of the municipality occurs less than
216 six (6) months before the first party primary of a general
217 municipal election, the council shall, by ordinance adopted within
218 three (3) days of the effective date of the annexation, assign the
219 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 council members.

(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 council members shall not maintain individual offices at the city hall; however, in a municipality having a population of one hundred thousand (100,000) and above according to the latest federal decennial census, council members may have individual offices in the city hall. Clerical work of council members in the performance of the duties of their office shall be performed by municipal employees or at municipal expense, and council members shall be reimbursed for the reasonable expenses incurred in the performance of the duties of their office.

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

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

(b) Any city with a larger or smaller number of councilmen, prior to September 30, 1962, may retain this larger or



smaller number of councilmen or may adopt the council size of five (5) as prescribed herein. This option shall be exercised through the enactment of an appropriate ordinance by the municipal governing body prior to the election to adopt the council-manager plan of government. In the event the council fails to exercise this option, the council shall consist of five (5) councilmen.

(c) At the next regular municipal election which takes place after the adoption of the council-manager form of government, the mayor shall be elected at large by the voters of the entire city. Also, the councilmen shall be elected at large by the voters of the entire city to represent a city-wide district, or each of four (4) councilmen may be elected from a ward to represent such ward and one (1) councilman may be elected to represent a city-wide district. This option shall be exercised by an appropriate ordinance enacted by the city governing body prior to the election to adopt the council-manager plan of government. In the event the council fails to exercise this option, the councilmen shall be elected at large to represent the city-wide district. In its discretion at any time after adoption and implementation of the council-manager plan of government the council may provide for the election of councilmen by wards as provided herein, which shall become effective at the next regularly scheduled election for city councilmen.

(d) Councilmen elected to represent wards must be residents of their wards; and in cities having more or fewer than



five (5) councilmen, prior to September 30, 1962, the city governing body shall determine the number of councilmen to represent the wards and the number of councilmen to represent the city-wide district.

(e) The council of any municipality having a population exceeding forty-five thousand (45,000) inhabitants according to the 1970 decennial census which is situated in a Class 1 county bordering on the State of Alabama and which is governed by a council-manager plan of government on January 1, 1977, may, in its discretion, adopt an ordinance to require the election of four (4) of the five (5) council members from wards and not from the city at large. The four (4) council members shall be elected one (1) each from the wards in which they reside in the municipality, and shall be elected only by the registered voters residing within the ward in which the council member resides. The mayor and fifth council member may continue to be elected from the city at large. Any council member who shall remove his residence from the ward from which he was elected shall, by operation of law, vacate his seat on the council.

After publication of the population of the municipality according to the 1980 decennial census, the governing authorities of the municipality shall designate the geographical boundaries of new wards as provided in this subparagraph. Each ward shall contain as nearly as possible the population factor obtained by dividing by four (4) the city's population as shown by the 1980



295 and each most recent decennial census thereafter. It shall be the
296 mandatory duty of the council to redistrict the city by ordinance,
297 which ordinance may not be vetoed by the mayor, within six (6)
298 months after the official publication by the United States of the
299 population of the city as enumerated in each decennial census, and
300 within six (6) months after the effective date of any expansion of
301 municipal boundaries; provided, however, if the publication of the
302 most recent decennial census or effective date of an expansion of
303 the municipal boundaries occurs six (6) months or more prior to
304 the first primary of a general municipal election, then the
305 council shall redistrict the city by ordinance within at least
306 sixty (60) days of such first primary. If the publication of the
307 most recent decennial census occurs less than six (6) months prior
308 to the first primary of a general municipal election, the election
309 shall be held with regard to currently defined wards; and
310 reapportioned wards based on the census shall not serve as the
311 basis for representation until the next regularly scheduled
312 election in which council members shall be elected. If annexation
313 of additional territory into the municipal corporate limits of the
314 city shall occur less than six (6) months prior to the first
315 primary of a general municipal election, the city council shall,
316 by ordinance adopted within three (3) days of the effective date
317 of such annexation, assign such annexed territory to an adjacent
318 ward or wards so as to maintain as nearly as possible substantial
319 equality of population between wards. Any subsequent



redistricting of the city by ordinance as required by this section shall not serve as the basis for representation until the next regularly scheduled election for city councilmen.

(2) However, in any municipality situated in a Class 1 county bordering on the Mississippi Sound and the State of Alabama, traversed by U.S. Highway 90, the legislative power of such municipality in which the council-manager plan of government is in effect shall be vested in a council consisting of a mayor and six (6) councilmen. In the next regular municipal election in such municipality, the mayor shall be elected at large by the voters of the entire municipality. Also, the councilmen shall be elected at large by the voters of the entire municipality to represent a municipality-wide district, or each of five (5) councilmen may be elected from one (1) of five (5) wards to represent said ward and one (1) councilman shall be elected to represent a municipality-wide district. This option as to wards shall be exercised by an appropriate ordinance enacted by the municipal governing body. In the event the council fails to exercise this option, the councilmen shall be elected at large to represent the municipality-wide district. Councilmen elected to represent wards must be residents of their wards.

The method of electing the mayor and councilmen shall be the same as otherwise provided by law except as provided in this chapter. The mayor and councilmen elected hereunder shall hold office for a term of four (4) years and until their successors are



345 elected and qualified. No person shall be eligible to the office
346 of mayor or councilman unless he is a qualified elector of such
347 city.

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

353 (b) At the next regular municipal election which takes
354 place after the adoption of the council-manager form of
355 government, the mayor shall be elected at large by the voters of
356 the entire municipality. The municipality shall be divided into
357 five (5) wards with one (1) councilman to be elected from each
358 ward by the voters of that ward, and three (3) councilmen to be
359 elected from the municipality at large. Councilmen elected to
360 represent wards must be residents of their wards at the time of
361 qualification for election, and any councilman who removes his
362 residence from the city or from the ward from which he was elected
363 shall vacate his office.

364 (c) It shall be the duty of the municipal governing
365 body existing at the time of the adoption of the council-manager
366 form of government to designate the geographical boundaries of the
367 five (5) wards within sixty (60) days after the election in which
368 the council-manager form is selected. In designating the
369 geographical boundaries of the five (5) wards, each ward shall



370 contain as nearly as possible the population factor obtained by
371 dividing by five (5) the city's population as shown by the most
372 recent decennial census. It shall be the mandatory duty of the
373 council to redistrict the city by ordinance, which ordinance may
374 not be vetoed by the mayor, within six (6) months after the
375 official publication by the United States of the population of the
376 city as enumerated in each decennial census, and within six (6)
377 months after the effective date of any expansion of municipal
378 boundaries; however, if the publication of the most recent
379 decennial census or effective date of an expansion of the
380 municipal boundaries occurs six (6) months or more prior to the
381 first primary of a general municipal election, then the council
382 shall redistrict the city by ordinance within at least sixty (60)
383 days of such first primary. If the publication of the most recent
384 decennial census occurs less than six (6) months prior to the
385 first primary of a general municipal election, the election shall
386 be held with regard to currently defined wards; and reapportioned
387 wards based on the census shall not serve as the basis for
388 representation until the next regularly scheduled election in
389 which city councilmen shall be elected. If annexation of
390 additional territory into the municipal corporate limits of the
391 city shall occur less than six (6) months prior to the first
392 primary of a general municipal election, the city council shall,
393 by ordinance adopted within three (3) days of the effective date
394 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 city by ordinance as required by this section shall not serve as the basis for representation until the next regularly scheduled election for city councilmen.

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

SECTION 7. Section 23-15-39, Mississippi Code of 1972, is brought forward as follows:

23-15-39. (1) Applications for registration as electors of this state, which are sworn to and subscribed before the registrar or deputy registrar authorized by law and which are not made by mail, shall be made upon a form established by rule duly adopted by the Secretary of State.

(2) The boards of supervisors shall make proper allowances for office supplies reasonably necessitated by the registration of county electors.

(3) If the applicant indicates on the application that he or she resides within the city limits of a city or town in the county of registration, the county registrar shall process the



420 application for registration or changes to the registration as
421 provided by law.

422 (4) If the applicant indicates on the application that he or
423 she has previously registered to vote in another county of this
424 state or another state, notice to the voter's previous county of
425 registration in this state shall be provided by the Statewide
426 Elections Management System. If the voter's previous place of
427 registration was in another state, notice shall be provided to the
428 voter's previous state of residence if the Statewide Elections
429 Management System has that capability.

430 (5) The county registrar shall provide to the person making
431 the application a copy of the application upon which has been
432 written the county voting precinct and municipal voting precinct,
433 if any, in which the person shall vote. Upon entry of the voter
434 registration information into the Statewide Elections Management
435 System, the system shall assign a voter registration number to the
436 person, and the county registrar shall mail the applicant a voter
437 registration card to the mailing address provided on the
438 application.

439 (6) Any person desiring an application for registration may
440 secure an application from the registrar of the county of which he
441 or she is a resident and may take the application with him or her
442 and secure assistance in completing the application from any
443 person of the applicant's choice. It shall be the duty of all
444 registrars to furnish applications for registration to all persons



445 requesting them, and it shall likewise be the registrar's duty to
446 furnish aid and assistance in the completing of the application
447 when requested by an applicant. The application for registration
448 shall be sworn to and subscribed before the registrar or deputy
449 registrar at the municipal clerk's office, the county registrar's
450 office or any other location where the applicant is allowed to
451 register to vote. The registrar shall not charge a fee or cost to
452 the applicant for accepting the application or administering the
453 oath or for any other duty imposed by law regarding the
454 registration of electors.

455 (7) If the person making the application is unable to read
456 or write, for reason of disability or otherwise, he or she shall
457 not be required to personally complete the application in writing
458 and execute the oath. In such cases, the registrar or deputy
459 registrar shall read the application and oath to the person and
460 the person's answers thereto shall be recorded by the registrar or
461 the registrar's deputy. The person shall be registered as an
462 elector if he or she otherwise meets the requirements to be
463 registered as an elector. The registrar shall record the
464 responses of the person and the recorded responses shall be
465 retained permanently by the registrar. The county registrar shall
466 enter the voter registration information into the Statewide
467 Elections Management System and designate the entry as an assisted
468 filing.



469 (8) The receipt of a copy of the application for
470 registration sent pursuant to Section 23-15-35(2) shall be
471 sufficient to allow the applicant to be registered as an elector
472 of this state, if the application is not challenged.

473 (9) In any case in which the corporate boundaries of a
474 municipality change, whether by annexation or redistricting, the
475 municipal clerk shall, within ten (10) days after approval of the
476 change in corporate boundaries, provide to the county registrar
477 conforming geographic data that is compatible with the Statewide
478 Elections Management System. The data shall be developed by the
479 municipality's use of a standardized format specified by the
480 Statewide Elections Management System. The county registrar,
481 county election commissioner or other county official, who has
482 completed an annual training seminar sponsored by the Secretary of
483 State pertaining to the implementation of new boundary lines in
484 the Statewide Elections Management System and received
485 certification for that training, shall update the municipal
486 boundary information into the Statewide Elections Management
487 System. The Statewide Elections Management System updates the
488 municipal voter registration records and assigns electors to their
489 municipal voting precincts. The county registrar shall forward to
490 the municipal clerk written notification of the additions and
491 changes, and the municipal clerk shall forward to the affected
492 municipal electors written notification of the additions and
493 changes.



494 **SECTION 8.** This act shall take effect and be in force from
495 and after July 1, 2019.

