

By: Representatives Rushing, Foster, Mickens To: Apportionment and
Elections; Municipalities

HOUSE BILL NO. 195
(As Passed the House)

1 AN ACT TO AMEND SECTION 23-15-859, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE ANY MUNICIPALITY WITH A POPULATION OF 2,500 RESIDENTS
3 OR LESS TO CONDUCT A SPECIAL ELECTION FOR ANY ISSUE OR CANDIDATE
4 AT ONE CENTRALIZED POLLING PLACE; TO AMEND SECTION 23-15-557,
5 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO
6 AMEND SECTION 23-15-300, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
7 ANY INDIVIDUAL HAVING MET THE TWO-YEAR RESIDENCY REQUIREMENT FOR
8 MUNICIPAL OR COUNTY OFFICE, SHALL ONLY RESIDE IN THE WARD OF
9 DISTRICT OF REPRESENTATION AT THE TIME OF QUALIFYING FOR SUCH
10 OFFICE; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 23-15-859, Mississippi Code of 1972, is
13 amended as follows:

14 23-15-859. (1) Whenever under any statute a special
15 election is required or authorized to be held in any municipality,
16 and the statute authorizing or requiring the election does not
17 specify the time within which the election shall be called, or the
18 notice which shall be given, the governing authorities of the
19 municipality shall, by resolution, fix a date upon which the
20 election shall be held. The date shall not be less than
21 twenty-one (21) nor more than thirty (30) days after the date upon
22 which such resolution is adopted, and not less than three (3)



23 weeks' notice of the election shall be given by the clerk by a
24 notice published in a newspaper published in the municipality once
25 each week for three (3) weeks next preceding the date of the
26 election, and by posting a copy of the notice at three (3) public
27 places in the municipality. Nothing herein, however, shall be
28 applicable to elections on the question of the issuance of the
29 bonds of a municipality or to general or primary elections for the
30 election of municipal officers.

31 (2) Except as otherwise provided in subsection (3) of this
32 section, the provisions of this section shall be applicable to all
33 municipalities of this state, whether operating under a code
34 charter, special charter or the commission form of government,
35 except in cases of conflicts between the provisions of the section
36 and the provisions of the special charter of a municipality, or
37 the law governing the commission form of government, in which
38 cases of conflict the provisions of the special charter or the
39 statutes relative to the commission form of government shall
40 apply.

41 (3) Any municipality with a population of two thousand five
42 hundred (2,500) residents or less according to the latest federal
43 decennial census may conduct a special election for any candidate
44 or issue at one (1) centralized polling location. Such polling
45 place may be located at city hall or another location. The notice
46 of the election with the location thereof shall be published in
47 some newspaper published at least once per week in the



municipality affected for three (3) weeks preceding the date set
for the special election, or if there be no newspaper published in
the municipality, then in some newspaper having general
circulation in the municipality and by posting notices
continuously in three (3) public places in the municipality, one
(1) of which shall be city hall or be the regular location where
the municipal governing authority meets to conduct business not
less than three (3) weeks before the date for the special
election. A sign shall be placed in front of each closed precinct
of the voting location for election that day.

SECTION 2. Section 23-15-557, Mississippi Code of 1972, is amended as follows:

23-15-557. Except as otherwise provided in Section
23-15-859(3), the governing authorities of any municipality within the State of Mississippi are hereby authorized and empowered, in their discretion, to divide the municipality into a sufficient number of voting precincts of such size and location as is necessary, and there shall be the same number of polling places. The authority conducting an election shall not be required, however, to establish a polling place in each of said precincts, but such election authorities, whether in a primary or in a general election, may locate and establish such polling places, without regard to precinct lines, in such manner as in the discretion of such authority will better accommodate the electorate and better facilitate the holding of the election.



73 **SECTION 3.** Section 23-15-300, Mississippi Code of 1972, is
74 amended as follows:

75 23-15-300. (1) Any candidate for any municipal, county or
76 county district office shall be a resident of the municipality,
77 county, county district or other territory that he or she seeks to
78 represent in such office for two (2) years immediately preceding
79 the day of election. Notwithstanding the foregoing two-year
80 residency requirement for holding a municipal office, a candidate
81 seeking to represent a ward need only be a resident of the
82 municipality for two (2) years prior to the day of the election,
83 but he or she need only be a resident of the ward he or she seeks
84 to represent at the time of qualification of office. The
85 provisions of this section shall not apply to any municipality
86 with less than one thousand (1,000) residents according to the
87 latest federal decennial census.

88 (2) A candidate shall prove in his or her qualifying
89 information that he or she meets the applicable residency
90 requirement or provide absolute proof, subject to no
91 contingencies, that he or she will meet the residency requirement
92 on or before the date of the election at which the candidate could
93 be elected to office. The appropriate election official or
94 executive committee, whichever is applicable, with whom a
95 candidate files qualifying information shall review and determine
96 whether the candidate meets the applicable residency requirement
97 according to the procedures in Section 23-15-299. The appropriate



98 election commission shall review and determine whether a candidate
99 required to file qualifying information with it meets the
100 applicable residency requirement according to the procedures in
101 Section 23-15-359.

102 (3) If the qualifications for an elected office include a
103 specific residency requirement, the residency requirement in this
104 section shall not apply.

105 (4) This section shall apply to elections held from and
106 after January 1, 2020.

107 **SECTION 4.** This act shall take effect and be in force from
108 and after its passage.

