

By: Representative Denton

To: Apportionment and
Elections

HOUSE BILL NO. 1596

1 AN ACT TO AMEND SECTION 23-15-300, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE RESIDENCY REQUIREMENT FOR CANDIDATES FOR MUNICIPAL,
3 COUNTY OR COUNTY DISTRICT OFFICES FROM TWO YEARS TO ONE YEAR; TO
4 AMEND SECTION 21-8-7, MISSISSIPPI CODE OF 1972, TO CONFORM; AND
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-300, Mississippi Code of 1972, is
8 amended as follows:

9 23-15-300. (1) Any candidate for any municipal, county or
10 county district office shall be a resident of the municipality,
11 county, county district or other territory that he or she seeks to
12 represent in such office for * * * one (1) year immediately
13 preceding the day of election. The provisions of this section
14 shall not apply to any municipality with less than one thousand
15 (1,000) residents according to the latest federal decennial
16 census.

17 (2) A candidate shall prove in his or her qualifying
18 information that he or she meets the applicable residency
19 requirement or provide absolute proof, subject to no



20 contingencies, that he or she will meet the residency requirement
21 on or before the date of the election at which the candidate could
22 be elected to office. The appropriate election official or
23 executive committee, whichever is applicable, with whom a
24 candidate files qualifying information shall review and determine
25 whether the candidate meets the applicable residency requirement
26 according to the procedures in Section 23-15-299. The appropriate
27 election commission shall review and determine whether a candidate
28 required to file qualifying information with it meets the
29 applicable residency requirement according to the procedures in
30 Section 23-15-359.

31 (3) If the qualifications for an elected office include a
32 specific residency requirement, the residency requirement in this
33 section shall not apply.

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

36 **SECTION 2.** Section 21-8-7, Mississippi Code of 1972, is
37 amended as follows:

38 21-8-7. (1) Each municipality operating under the
39 mayor-council form of government shall be governed by an elected
40 council and an elected mayor. Other officers and employees shall
41 be duly appointed pursuant to this chapter, general law or
42 ordinance.

43 (2) Except as otherwise provided in subsection (4) of this
44 section, the mayor and council members shall be elected by the



45 voters of the municipality at a regular municipal election held on
46 the first Tuesday after the first Monday in June as provided in
47 Section 21-11-7, and shall serve for a term of four (4) years
48 beginning on the first day of July next following the election
49 that is not on a weekend.

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

54 (4) (a) The council shall consist of five (5), seven (7) or
55 nine (9) members. In the event there are five (5) council
56 members, the municipality shall be divided into either five (5) or
57 four (4) wards. In the event there are seven (7) council members,
58 the municipality shall be divided into either seven (7), six (6)
59 or five (5) wards. In the event there are nine (9) council
60 members, the municipality shall be divided into seven (7) or nine
61 (9) wards. If the municipality is divided into fewer wards than
62 it has council members, the other council member or members shall
63 be elected from the municipality at large. The total number of
64 council members and the number of council members elected from
65 wards shall be established by the petition or petitions presented
66 pursuant to Section 21-8-3. One (1) council member shall be
67 elected from each ward by the voters of that ward. Council
68 members elected to represent wards must be residents of their
69 wards for * * * one (1) year as provided in Section 23-15-300 at



70 the time of qualification for election, and any council member who
71 removes the member's residence from the municipality or from the
72 ward from which elected shall vacate that office. However, any
73 candidate for council member who is properly qualified as a
74 candidate under applicable law shall be deemed to be qualified as
75 a candidate in whatever ward the member resides if the ward has
76 changed after the council has redistricted the municipality as
77 provided in paragraph (c) (ii) of this subsection (4), and if the
78 wards have been so changed, any person may qualify as a candidate
79 for council member, by changing the person's residence, not less
80 than fifteen (15) days before the first party primary or special
81 party primary, as the case may be, notwithstanding any other
82 residency or qualification requirements to the contrary.

83 (b) The council or board existing at the time of the
84 adoption of the mayor-council form of government shall designate
85 the geographical boundaries of the wards within one hundred twenty
86 (120) days after the election in which the mayor-council form of
87 government is selected. In designating the geographical
88 boundaries of the wards, each ward shall contain, as nearly as
89 possible, the population factor obtained by dividing the
90 municipality's population as shown by the most recent decennial
91 census by the number of wards into which the municipality is to be
92 divided.

93 (c) (i) It shall be the mandatory duty of the council
94 to redistrict the municipality by ordinance, which ordinance may



95 not be vetoed by the mayor, within six (6) months after the
96 official publication by the United States of the population of the
97 municipality as enumerated in each decennial census, and within
98 six (6) months after the effective date of any expansion of
99 municipal boundaries; however, if the publication of the most
100 recent decennial census or effective date of an expansion of the
101 municipal boundaries occurs six (6) months or more before the
102 first party primary of a general municipal election, then the
103 council shall redistrict the municipality by ordinance not less
104 than sixty (60) days before the first party primary.

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

112 (d) If annexation of additional territory into the
113 municipal corporate limits of the municipality occurs less than
114 six (6) months before the first party primary of a general
115 municipal election, the council shall, by ordinance adopted within
116 three (3) days of the effective date of the annexation, assign the
117 annexed territory to an adjacent ward or wards so as to maintain
118 as nearly as possible substantial equality of population between
119 wards; any subsequent redistricting of the municipality by



120 ordinance as required by this chapter shall not serve as the basis
121 for representation until the next regularly scheduled election for
122 municipal council members.

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

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

135 **SECTION 3.** This act shall take effect and be in force from
136 and after July 1, 2024.

