

By: Representative Denton

To: Apportionment and
Elections

HOUSE BILL NO. 483

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



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

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

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

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

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

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



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

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

(4) (a) The council shall consist of five (5), seven (7) or nine (9) members. In the event there are five (5) council members, the municipality shall be divided into either five (5) or four (4) wards. In the event there are seven (7) council members, the municipality shall be divided into either seven (7), six (6) or five (5) wards. In the event there are nine (9) council members, the municipality shall be divided into seven (7) or nine (9) wards. If the municipality is divided into fewer wards than it has council members, the other council member or members shall be elected from the municipality at large. The total number of council members and the number of council members elected from wards shall be established by the petition or petitions presented pursuant to Section 21-8-3. One (1) council member shall be elected from each ward by the voters of that ward. Council members elected to represent wards must be residents of their 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



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

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

(d) If annexation of additional territory into the municipal corporate limits of the municipality occurs less than six (6) months before the first party primary of a general municipal election, the council shall, by ordinance adopted within three (3) days of the effective date of the annexation, assign the 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 3. This act shall take effect and be in force from and after July 1, 2025.

