

By: Janus

To: Municipalities

HOUSE BILL NO. 412
(As Passed the House)

1 AN ACT TO AMEND SECTION 21-8-7, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE CANDIDATES FOR CITY COUNCIL TO BE RESIDENTS OF THEIR WARDS
3 FOR AT LEAST TWO YEARS BEFORE THE DEADLINE ESTABLISHED BY LAW FOR
4 CANDIDATES TO QUALIFY FOR OFFICE; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 21-8-7, Mississippi Code of 1972, is
7 amended as follows:

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

13 (2) Except as otherwise provided in subsection (4) of this
14 section, the mayor and councilmen shall be elected by the voters
15 of the municipality at a regular municipal election held on the
16 first Tuesday after the first Monday in June as provided in
17 Section 21-11-7, and shall serve for a term of four (4) years
18 beginning on the first Monday of July next following his election.

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

23 (4) (a) The council shall consist of five (5), seven (7) or
24 nine (9) members. In the event there are five (5) councilmen, the
25 municipality shall be divided into either five (5) or four (4)
26 wards. In the event there are seven (7) councilmen, the
27 municipality shall be divided into either seven (7), six (6) or

28 five (5) wards. In the event there are nine (9) councilmen, the
29 municipality shall be divided into seven (7) or nine (9) wards. If
30 the municipality is divided into fewer wards than it has
31 councilmen, the other councilman or councilmen shall be elected
32 from the municipality at large. The total number of councilmen
33 and the number of councilmen elected from wards shall be
34 established by the petition or petitions presented pursuant to
35 Section 21-8-3. One (1) councilman shall be elected from each
36 ward by the voters of that ward. Councilmen elected to represent
37 wards must be residents of their wards for at least two (2) years
38 immediately preceding the deadline established by law for
39 candidates to qualify for the office of councilman, and any
40 councilman who removes his residence from the municipality or from
41 the ward from which he was elected shall vacate his office.
42 However, any candidate for councilman who is properly qualified as
43 a candidate under applicable law shall be deemed to be qualified
44 as a candidate in whatever ward he resides if his ward has changed
45 after the council has redistricted the municipality as provided in
46 subparagraphs (c)(ii) and (iii) of this subsection (4), and if the
47 wards have been so changed, any person may qualify as a candidate
48 for councilman, using his existing residence or by changing his
49 residence, not less than fifteen (15) days prior to the first
50 party primary or special party primary, as the case may be,
51 notwithstanding any other residency or qualification requirements
52 to the contrary.

53 (b) The council or board existing at the time of the
54 adoption of the mayor-council form of government shall designate
55 the geographical boundaries of the wards within one hundred twenty
56 (120) days after the election in which the mayor-council form of
57 government is selected. In designating the geographical
58 boundaries of the wards, each ward shall contain, as nearly as
59 possible, the population factor obtained by dividing the
60 municipality's population as shown by the most recent decennial
61 census by the number of wards into which the municipality is to be
62 divided.

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

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

75 (ii) If the publication of the most recent
76 decennial census occurs less than six (6) months before the first
77 party primary of a general municipal election, then the council
78 shall redistrict the municipality by ordinance not later than
79 twenty (20) days before the first party primary.

80 (iii) If the publication of the most recent
81 decennial census is not received by the council in time to
82 redistrict the municipality at least twenty (20) days before the
83 first party primary of a general municipal election, then the
84 council shall redistrict the municipality by ordinance not later
85 than twenty (20) days before a special party primary provided for
86 hereafter in this subparagraph. If the census is not received in
87 time to redistrict the municipality, as provided above, the mayor
88 and councilmen shall be elected by the voters of the municipality
89 at a special general municipal election held on the fourth Tuesday
90 after the first Monday in June, and a special party primary shall
91 be held on the second Tuesday after the first Monday in June,
92 notwithstanding the provisions of Sections 21-11-5 and 21-11-7 to
93 the contrary.

94 (d) If annexation of additional territory into the
95 municipal corporate limits of the municipality shall occur less
96 than six (6) months before the first party primary of a general
97 municipal election, the council shall, by ordinance adopted within

98 three (3) days of the effective date of the annexation, assign the
99 annexed territory to an adjacent ward or wards so as to maintain
100 as nearly as possible substantial equality of population between
101 wards; any subsequent redistricting of the municipality by
102 ordinance as required by this chapter shall not serve as the basis
103 for representation until the next regularly scheduled election for
104 municipal councilmen.

105 (e) If the council shall have failed to redistrict the
106 municipality as herein required, the members of the council shall
107 not receive any further salaries until the council shall have
108 adopted such ordinance and the checks for such salaries for said
109 periods shall not be issued.

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

112 (6) The mayor shall maintain an office at the city hall. The
113 councilmen shall not maintain individual offices at the city hall;
114 provided, however, that in municipalities with populations of one
115 hundred ninety thousand (190,000) and above, councilmen may have
116 individual offices in the city hall. Clerical work of councilmen
117 in the performance of the duties of their office shall be
118 performed by municipal employees or at municipal expense, and
119 councilmen shall be reimbursed for the reasonable expenses
120 incurred in the performance of the duties of their office.

121 SECTION 2. The Attorney General of the State of Mississippi
122 shall submit this act, immediately upon approval by the Governor,
123 or upon approval by the Legislature subsequent to a veto, to the
124 Attorney General of the United States or to the United States
125 District Court for the District of Columbia in accordance with the
126 provisions of the Voting Rights Act of 1965, as amended and
127 extended.

128 SECTION 3. This act shall take effect and be in force from
129 and after the date it is effectuated under Section 5 of the Voting
130 Rights Act of 1965, as amended and extended.