

By: Representative Denny

To: Municipalities;
Apportionment and Elections

HOUSE BILL NO. 452

1 AN ACT TO AMEND SECTION 21-8-7, MISSISSIPPI CODE OF 1972, TO
2 CONFORM REDISTRICTING PROVISIONS FOR THE MAYOR-COUNCIL FORM OF
3 GOVERNMENT TO THE COUNCIL-MANAGER FORM; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

60 (c) (i) It shall be the mandatory duty of the council
61 to redistrict the municipality by ordinance, which ordinance may
62 not be vetoed by the mayor, within six (6) months after the
63 official publication by the United States of the population of the
64 municipality as enumerated in each decennial census, and within
65 six (6) months after the effective date of any expansion of
66 municipal boundaries; however, if the publication of the most
67 recent decennial census or effective date of an expansion of the
68 municipal boundaries occurs six (6) months or more prior to the
69 first party primary of a general municipal election, then the
70 council shall redistrict the municipality by ordinance not less
71 than sixty (60) days prior to such first party primary.

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

79 (d) If annexation of additional territory into the
80 municipal corporate limits of the municipality shall occur less
81 than six (6) months prior to the first party primary of a general
82 municipal election, the council shall, by ordinance adopted within
83 three (3) days of the effective date of such annexation, assign
84 such annexed territory to an adjacent ward or wards so as to
85 maintain as nearly as possible substantial equality of population
86 between wards; any subsequent redistricting of the municipality by
87 ordinance as required by this chapter shall not serve as the basis
88 for representation until the next regularly scheduled election for
89 municipal councilmen.

90 * * *

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

93 (6) The mayor shall maintain an office at the city hall.
94 The councilmen shall not maintain individual offices at the city
95 hall; provided, however, that in municipalities with populations
96 of one hundred ninety thousand (190,000) and above, councilmen may
97 have individual offices in the city hall. Clerical work of
98 councilmen in the performance of the duties of their office shall
99 be performed by municipal employees or at municipal expense, and
100 councilmen shall be reimbursed for the reasonable expenses
101 incurred in the performance of the duties of their office.

102 SECTION 2. The Attorney General of the State of Mississippi
103 shall submit this act, immediately upon approval by the Governor,
104 or upon approval by the Legislature subsequent to a veto, to the
105 Attorney General of the United States or to the United States
106 District Court for the District of Columbia in accordance with the
107 provisions of the Voting Rights Act of 1965, as amended and
108 extended.

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