

By: Representative McGee

To: Apportionment and
Elections

HOUSE BILL NO. 1341

1 AN ACT TO AMEND SECTION 21-8-7, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT COUNCIL MEMBERS ELECTED TO REPRESENT WARDS MUST BE
3 RESIDENTS OF THEIR WARDS FOR TWO YEARS AT THE TIME OF
4 QUALIFICATION FOR AN ELECTION; 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 council members shall be elected by the
15 voters of the municipality at a regular municipal election held on
16 the 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 day of July next following the election
19 that is not on a weekend.



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

24 (4) (a) The council shall consist of five (5), seven (7) or
25 nine (9) members. In the event there are five (5) council
26 members, the municipality shall be divided into either five (5) or
27 four (4) wards. In the event there are seven (7) council members,
28 the municipality shall be divided into either seven (7), six (6)
29 or five (5) wards. In the event there are nine (9) council
30 members, the municipality shall be divided into seven (7) or nine
31 (9) wards. If the municipality is divided into fewer wards than
32 it has council members, the other council member or members shall
33 be elected from the municipality at large. The total number of
34 council members and the number of council members elected from
35 wards shall be established by the petition or petitions presented
36 pursuant to Section 21-8-3. One (1) council member shall be
37 elected from each ward by the voters of that ward. Council
38 members elected to represent wards must be residents of their
39 wards for two (2) years as provided in Section 23-15-300 at the
40 time of qualification for election, and any council member who
41 removes the member's residence from the municipality or from the
42 ward from which elected shall vacate that office. However, any
43 candidate for council member who is properly qualified as a
44 candidate under applicable law shall be deemed to be qualified as



45 a candidate in whatever ward the member resides if the ward has
46 changed after the council has redistricted the municipality as
47 provided in paragraph (c)(ii) of this subsection (4), and if the
48 wards have been so changed, any person may qualify as a candidate
49 for council member, * * * by changing the person's residence, not
50 less than fifteen (15) days before the first party primary or
51 special party primary, as the case may be, notwithstanding any
52 other residency or qualification requirements 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 primary of a general municipal election, the election shall be
78 held with regard to the existing defined wards; reapportioned
79 wards based on the census shall not serve as the basis for
80 representation until the next regularly scheduled election in
81 which council members shall be elected.

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

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



95 (6) The mayor shall maintain an office at the city hall.
96 The council members shall not maintain individual offices at the
97 city hall; however, in a municipality having a population of one
98 hundred thousand (100,000) and above according to the latest
99 federal decennial census, council members may have individual
100 offices in the city hall. Clerical work of council members in the
101 performance of the duties of their office shall be performed by
102 municipal employees or at municipal expense, and council members
103 shall be reimbursed for the reasonable expenses incurred in the
104 performance of the duties of their office.

105 **SECTION 2.** This act shall take effect and be in force from
106 and after July 1, 2022.

