

By: West

To: Education;
Apportionment and
Elections

HOUSE BILL NO. 1313

1 AN ACT TO AMEND SECTION 37-7-703, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE BOARD OF TRUSTEES OF THE NATCHEZ-ADAMS SPECIAL
3 MUNICIPAL SEPARATE SCHOOL DISTRICT TO BE ELECTED; TO PROVIDE THAT
4 THE BOARD OF TRUSTEES SHALL BE ELECTED FROM DISTRICTS WHICH ARE
5 THE SAME AS THE BOARD OF SUPERVISORS DISTRICTS; TO PROVIDE THAT
6 THE ELECTION FOR THE BOARD OF TRUSTEES SHALL BE A NONPARTISAN
7 ELECTION; TO PRESCRIBE THE PROCEDURES TO BE USED IF A VACANCY
8 OCCURS ON THE BOARD OF TRUSTEES; TO PROVIDE THAT THE CANDIDATE
9 WITH THE HIGHEST NUMBER OF VOTES SHALL BE DECLARED ELECTED; TO
10 AMEND SECTIONS 23-15-193, 37-7-705, 37-7-707, 37-7-709, 37-7-711,
11 37-7-713, 37-7-715 AND 37-7-717, MISSISSIPPI CODE OF 1972, IN
12 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

14 SECTION 1. Section 37-7-703, Mississippi Code of 1972, is
15 amended as follows:

16 37-7-703. (1) Except as otherwise provided in subsection
17 (2) of this section, in all such special municipal separate school
18 districts which embrace the entire county in which, according to
19 the latest available federal census, a majority of the inhabitants
20 of the county reside within the corporate limits of the
21 municipality, the board of trustees of such special municipal
22 separate school district shall be chosen and selected in the
23 manner provided by subsection (1) of Section 37-7-203, and all of
24 the provisions thereof shall be fully applicable in all respects
25 to the selection and constitution of such board of trustees.

26 (2) (a) Notwithstanding any other provision of law to the
27 contrary, beginning at the special election in November 2000, the
28 board of trustees of any special municipal separate school
29 district situated within a county having a population of more than
30 thirty-five thousand (35,000) according to the 1990 federal census
31 and a county seat having a population of more than nineteen

32 thousand (19,000) but less than nineteen-thousand five hundred
33 (19,500) according to the 1990 federal census shall be elected in
34 the manner prescribed in this section.

35 (b) On the first Tuesday after the first Monday in
36 November 2000, an election shall be held in any special municipal
37 separate school district described in paragraph (a) of this
38 subsection at the same time the Presidential election is held, for
39 the purpose of electing the members of the board of trustees of
40 the special municipal separate school district. All members of
41 the board of trustees of any district described in paragraph (a)
42 of this subsection shall take office on January 1, 2001, and shall
43 serve until January 1, 2004. On the first Tuesday after the first
44 Monday in November 2003 and every four (4) years thereafter, the
45 board of trustees shall be elected for a term of four (4) years.
46 The five (5) members of the board of trustees of the school
47 district shall be elected from five (5) special trustee election
48 districts, which shall be the same as the board of supervisors
49 districts, by the qualified electors of each district, as provided
50 in this subsection. All incumbent trustees holding office on the
51 effective date of House Bill No. _____, 2000 Regular Session, shall
52 continue holding their respective offices, provided they reside
53 within the new district, through December 31, 2000. Their
54 successors shall be elected from the new trustee election
55 districts constituted in this section in the manner provided for
56 in this section.

57 (c) Candidates for the board of trustees of any school
58 district described in paragraph (a) of this subsection shall file
59 their intent to be a candidate with the proper officials no later
60 than 5:00 p.m. on August 1 in 2000 and no later than 5:00 p.m. on
61 March 1 in 2003 and every four (4) years thereafter. The
62 candidates shall pay to the proper officials the sum of Fifteen
63 Dollars (\$15.00).

64 (3) (a) The board of trustees for any school district
65 described in paragraph (a) of subsection (2) shall be nonpartisan
66 offices, and a candidate for election thereto is prohibited from
67 campaigning or qualifying for the office based on party
68 affiliation.

69 (b) The names of the candidates for the board of
70 trustees of any school district described in paragraph (a) of
71 subsection (2) which appear on the ballot at the special election
72 in 2000 and in the general election in 2003 and every four (4)
73 years thereafter shall be grouped together on a separate portion
74 of the ballot, clearly identified as a nonpartisan board of
75 trustees election.

76 (c) The names of all candidates for the board of
77 trustees of any school district described in paragraph (a) of
78 subsection (2) shall be listed in alphabetical order on any
79 ballot, and no reference to political party affiliation shall
80 appear on any ballot with respect to the nonpartisan board of
81 trustees offices.

82 (3) If two (2) or more candidates qualify for the office of
83 board of trustees in any school district described in subsection
84 (2)(a) of this section, the names of those candidates shall be
85 placed on the ballot. The candidate with the highest number of
86 votes shall be declared elected. Any tie votes in the election
87 which must be resolved in order to determine who is elected shall
88 be resolved in the manner prescribed by Section 23-15-601.

89 (4) In any election for the board of trustees of any school
90 district described in subsection (2)(a) of this section, all
91 qualified electors, regardless of party affiliation or lack
92 thereof, shall be qualified to vote for candidates for nomination
93 for board of trustees.

94 (5) Vacancies in the membership of the board of trustees of
95 any school district described in subsection (2)(a) shall be filled
96 by appointment, within sixty (60) days after the vacancy occurs,
97 by either the governing authorities of the municipality or the
98 board of supervisors of the county, whichever has the higher
99 number of students in the school district from that trustee
100 district. The appointee shall be selected from the qualified
101 electors of the district in which the vacancy occurs. The

102 president of the municipal governing authority or of the board of
103 supervisors, as the case may be, shall certify to the Secretary of
104 State the fact of the appointment, and the Governor shall
105 commission the person appointed. If the unexpired term is longer
106 than six (6) months, the appointee shall serve until a successor
107 is elected at the next special election, unless the vacancy occurs
108 ninety (90) days before the general election in a year in which an
109 election would normally be held for that office as provided by
110 law, in which case the person appointed shall serve the unexpired
111 portion of the term. The vacancies shall be filled for the
112 unexpired term by the qualified electors at the next regular
113 special election day occurring more than ninety (90) days after
114 the occurrence of the vacancy. The president of the municipal
115 governing authority or of the board of supervisors, as the case
116 may be, within ten (10) days after the happening of the vacancy,
117 shall make an order, in writing, directed to the commissioners of
118 election, commanding an election to be held on the next regular
119 special election day to fill the vacancy. The election
120 commissioners shall require each candidate to qualify at least
121 sixty (60) days before the date of the election, and shall give a
122 certificate of election to the person elected, and shall return to
123 the Secretary of State a copy of the order of holding the election
124 and the results of the election, certified by the president of the
125 municipal governing authority or of the board of supervisors, as
126 the case may be. The election shall be held in the manner
127 provided for in this section. The Governor shall commission the
128 person elected.

129 However, where only one (1) person has qualified with the
130 commissioners of election to be a candidate within the time
131 provided by law, the commissioners of election shall certify to
132 the municipal governing authority or the board of supervisors, as
133 the case may be, that there is but one (1) candidate. The
134 municipal governing authority or the board of supervisors, as the

135 case may be, shall dispense with the election and shall appoint
136 the certified candidate to fill the unexpired term. The president
137 of the municipal governing authority or of the board of
138 supervisors, as the case may be, shall certify to the Secretary of
139 State the candidate so appointed to serve in the office, and the
140 Governor shall commission the candidate. If no person has
141 qualified at least sixty (60) days before the date of the
142 election, the commissioners of election shall certify that fact to
143 the municipal governing authority or the board of supervisors, as
144 the case may be, which shall dispense with the election and fill
145 the vacancy by appointment. The president of the municipal
146 governing authority or the board of supervisors, as the case may
147 be shall certify to the Secretary of State the fact of the
148 appointment, and the Governor shall commission the appointed
149 person.

150 SECTION 2. Section 23-15-193, Mississippi Code of 1972, is
151 amended as follows:

152 23-15-193. At the election in 1995, and every four (4) years
153 thereafter, there shall be elected a Governor, Lieutenant
154 Governor, Secretary of State, Auditor of Public Accounts, State
155 Treasurer, Attorney General, three (3) public service
156 commissioners, three (3) Mississippi transportation commissioners,
157 Commissioner of Insurance, Commissioner of Agriculture and
158 Commerce, Senators and members of the House of Representatives in
159 the Legislature, district attorneys for the several districts,
160 clerks of the circuit and chancery courts of the several counties,
161 as well as sheriffs, coroners, assessors, surveyors and members of
162 the boards of supervisors, justice court judges, constables, and
163 the board of trustees of any special municipal school district
164 described in Section 37-7-703(2)(a), and all other officers to be
165 elected by the people at the general state election. All such
166 officers shall hold their offices for a term of four (4) years,
167 and until their successors are elected and qualified. The state

168 officers shall be elected in the manner prescribed in Section 140
169 of the Constitution.

170 SECTION 3. Section 37-7-705, Mississippi Code of 1972, is
171 amended as follows:

172 37-7-705. Except as provided in Section 37-7-703(2), in all
173 such special municipal separate school districts which may be so
174 organized, reorganized or reconstituted to embrace the entire
175 county in which the majority of the inhabitants of the county
176 reside outside the corporate limits of the municipality, the board
177 of trustees of such district shall be constituted in accordance
178 with the provisions of Sections 37-7-707 through 37-7-711, unless
179 the governing authorities of the municipality and of the county
180 shall have provided for one (1) of the alternative methods of
181 organization as provided by Sections 37-7-715 and 37-7-717.

182 SECTION 4. Section 37-7-707, Mississippi Code of 1972, is
183 amended as follows:

184 37-7-707. Except as provided in Section 37-7-703(2), in all
185 such special municipal separate school districts which may be so
186 organized, reorganized or reconstituted to embrace the entire
187 county in which the majority of the inhabitants of the county
188 reside outside the corporate limits of the municipality, the board
189 of trustees of such district shall be composed of five (5)
190 members, one (1) of whom shall be a resident qualified elector of
191 each supervisors district of the county. Said trustees shall be
192 elected from the county at large by the qualified electors of the
193 county at the first regular general election following the
194 approval by the State Educational Finance Commission of the
195 organization of such district. Such trustees shall take office on
196 the first Monday of January following their election.

197 At such election the members of the said board from
198 supervisors districts one (1) and five (5) shall be elected for a
199 term of six (6) years, the members from districts three (3) and
200 four (4) shall be elected for a term of four (4) years, and the

201 members from district two (2) shall be elected for a term of two
202 (2) years. Thereafter members shall be elected at regular general
203 elections as vacancies occur for terms of six (6) years each and
204 shall take office on the first Monday of January after their
205 election.

206 SECTION 5. Section 37-7-709, Mississippi Code of 1972, is
207 amended as follows:

208 37-7-709. Except as provided in Section 37-7-703(2), in all
209 such special municipal separate school districts which may be so
210 organized, reorganized or reconstituted to embrace the entire
211 county in which the majority of the inhabitants of the county
212 reside outside the corporate limits of the municipality, all
213 vacancies which may occur during the term of office shall be
214 filled by appointment by the remaining members of the board of
215 trustees, such appointee to have the same qualifications as other
216 members of the board and to reside in the same supervisors
217 district as the former member whose death, removal or resignation
218 caused the vacancy. Such appointment shall be made within thirty
219 (30) days after the vacancy occurs. The person so appointed shall
220 serve only until the first Monday of January following the next
221 regular general election after such appointment and, at the
222 regular general election next preceding such first Monday in
223 January, a person shall be elected for the remainder of the
224 unexpired term at the same time and in the same manner as a
225 trustee is elected for the full term next expiring, and such
226 person shall take office on said first Monday of January.

227 SECTION 6. Section 37-7-711, Mississippi Code of 1972, is
228 amended as follows:

229 37-7-711. Except as provided in Section 37-7-703(2), in all
230 such special municipal separate school districts which may be so
231 organized, reorganized or reconstituted to embrace the entire
232 county in which the majority of the inhabitants of the county
233 reside outside the corporate limits of the municipality, the name

234 of any qualified elector who is a candidate for the board of
235 trustees of such special municipal separate school district,
236 whether such person be a candidate for an unexpired term or for a
237 full term, shall be placed on the ballot used in the elections,
238 provided that the candidate files with the county election
239 commissioners, not more than ninety (90) days and not less than
240 thirty (30) days prior to the date of such general election, a
241 petition of nomination signed by not less than one hundred fifty
242 (150) qualified electors of the county. The candidate in each
243 election who receives the highest number of votes cast in the
244 election shall be declared to have been elected.

245 SECTION 7. Section 37-7-713, Mississippi Code of 1972, is
246 amended as follows:

247 37-7-713. Except as provided in Section 37-7-703(2), in all
248 special municipal separate school districts where the district
249 embraces less than the entire area of the county and where the
250 majority of the educable children of such district reside outside
251 the limits of the municipality, unless the governing authorities
252 of the municipality and the county provide for one (1) of the
253 alternative methods of organization as set out in Sections
254 37-7-715 and 37-7-717, the said special municipal separate school
255 district shall be governed by a board of trustees consisting of
256 five (5) members, to be elected by the qualified electors of such
257 municipal separate school district from the district at large in
258 the manner provided by Sections 37-7-209 through 37-7-219, and all
259 duties imposed upon the county superintendent of education by said
260 sections with reference to such elections shall be imposed upon
261 and performed by the superintendent of the municipal separate
262 school district. However, the first board of trustees of such
263 special municipal separate school district shall be appointed in
264 the following manner. The governing authorities of the
265 municipality shall appoint three (3) trustees, and such
266 appointments shall be made so that one (1) trustee shall be

267 appointed to serve until the first Saturday of March following
268 such appointment, one (1) for two (2) years longer, and one (1)
269 for four (4) years longer. The board of education of the county
270 shall appoint two (2) trustees, such appointments to be made so
271 that one (1) trustee shall be appointed to serve until the first
272 Saturday of March of the second year following such appointment,
273 and one (1) trustee for two (2) years longer. After such original
274 appointments the trustees of such a special municipal separate
275 school district shall be elected for a term of five (5) years, as
276 herein provided. All such members of said board of trustees shall
277 be residents and qualified electors of such school district. All
278 vacancies which may occur during a term of office shall be filled
279 by appointment by the remaining members of the board of trustees,
280 such appointee to have the same qualifications as other members of
281 the board. Such appointment shall be made within thirty (30) days
282 after the vacancy occurs. The person so appointed shall serve
283 only until his successor shall have qualified. The successor to
284 serve the remainder of the unexpired term shall be elected on the
285 first Saturday of March next following the occurrence of such
286 vacancy in the same manner as provided for by Sections 37-7-209
287 through 37-7-219.

288 SECTION 8. Section 37-7-715, Mississippi Code of 1972, is
289 amended as follows:

290 37-7-715. Except as provided in Section 37-7-703(2), upon
291 the organization, reorganization or reconstitution of any special
292 municipal separate school district, the board of supervisors of
293 the county wherein such special municipal separate school district
294 is located and the governing authorities of the municipality may,
295 by an order spread upon their minutes within sixty (60) days after
296 such organization, reorganization or reconstitution shall have
297 become final, expressing an agreement between both such governing
298 authorities, choose to constitute the board of such special
299 municipal separate school district under one (1) of the optional

300 methods of organization set out in Section 37-7-717. In the event
301 that both the governing authorities hereinabove referred to shall
302 enter such an order within said period, then the said board of
303 trustees shall be thereafter constituted and selected according to
304 the terms of such agreement, provided such agreement is in
305 conformity with the terms of Section 37-7-717. It is further
306 expressly provided that irregularities of a procedural nature in
307 the adoption of such orders shall not affect the validity of the
308 same or the validity of any acts of the board of trustees which
309 may be constituted by virtue thereof.

310 SECTION 9. Section 37-7-717, Mississippi Code of 1972, is
311 amended as follows:

312 37-7-717. Except as provided in Section 37-7-703(2), upon
313 complying with the terms and provisions of Section 37-7-715,
314 hereof, the board of supervisors of any county wherein there is a
315 special municipal separate school district and the governing
316 authorities of the municipality may provide that the board of
317 trustees of such special municipal separate school district shall
318 be organized and constituted in one (1) of the following manners:

319 (a) The said board may consist of five (5) members, all
320 of whom shall be bona fide residents of and qualified electors of
321 such school districts and who shall be appointed by either the
322 board of supervisors, the governing authorities of the
323 municipality, or by both of said bodies in such proportion as the
324 governing bodies may agree upon. The first such board shall be
325 appointed so that one (1) trustee shall be appointed to serve for
326 one (1) year, one (1) for one (1) year longer, one (1) for two (2)
327 years longer, one (1) for three (3) years longer, and one (1) for
328 four (4) years longer. Upon the expiration of each such original
329 term, each appointment shall be for five (5) years and shall be
330 made by the authority making the original appointment. In case of
331 the occurrence of a vacancy, the authority which made the
332 appointment of the trustee responsible for such vacancy shall

333 appoint a successor to serve the remainder of the term of such
334 trustee.

335 (b) In case of a special municipal separate school
336 district which embraces the entire county, the board of trustees
337 may be constituted and selected in accordance with the terms and
338 provisions of Sections 37-7-707 through 37-7-711, with the
339 exception that one (1) member of such board shall be elected by
340 each supervisors district and shall be a resident and qualified
341 elector of the district from which he is elected.

342 (c) In case of a special municipal separate school
343 district embracing the entire county, the board of trustees may be
344 constituted and selected in accordance with the terms and
345 provisions of Section 37-7-713.

346 SECTION 10. The Attorney General of the State of Mississippi
347 shall submit this act, immediately upon approval by the Governor,
348 or upon approval by the Legislature subsequent to a veto, to the
349 Attorney General of the United States or to the United States
350 District Court for the District of Columbia in accordance with the
351 provisions of the Voting Rights Act of 1965, as amended and
352 extended.

353 SECTION 11. This act shall take effect and be in force from
354 and after the date it is effectuated under Section 5 of the Voting
355 Rights Act of 1965, as amended and extended.