

By: Johnson (38th)

To: Education

SENATE BILL NO. 2850

1 AN ACT TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE TRUSTEES OF MUNICIPAL SEPARATE SCHOOL
3 DISTRICTS SHALL BE ELECTED FROM SPECIAL TRUSTEE ELECTION DISTRICTS
4 BY THE QUALIFIED ELECTORS OF SUCH DISTRICT; TO PROVIDE THAT SUCH
5 ELECTION SHALL BE HELD EVERY FOUR YEARS IN THE SAME MANNER AS
6 ELECTIONS ARE HELD FOR OTHER MUNICIPAL OFFICERS; TO AMEND SECTION
7 37-7-703, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TRUSTEES
8 OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS SHALL BE ELECTED IN
9 THE SAME MANNER AS TRUSTEES OF MUNICIPAL SEPARATE SCHOOL
10 DISTRICTS; TO REPEAL SECTIONS 37-7-705 THROUGH 37-7-717,
11 MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS FOR
12 SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS;
13 TO REPEAL SECTIONS 37-7-209 THROUGH 37-7-219, MISSISSIPPI CODE OF
14 1972, WHICH PROVIDE CERTAIN METHODS FOR ELECTING TRUSTEES OF
15 MUNICIPAL SEPARATE SCHOOL DISTRICTS FROM ADDED TERRITORY; AND FOR
16 RELATED PURPOSES.

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

18 SECTION 1. Section 37-7-203, Mississippi Code of 1972, is
19 amended as follows:

20 37-7-203. (1) The boards of trustees of all municipal
21 separate school districts created under the provisions of Article
22 1 of this chapter, either with or without added territory, shall
23 consist of five (5) members * * *. On the first Tuesday after the
24 first Monday in June, and every four (4) years thereafter, an
25 election shall be held in each municipal separate school district
26 in this state, in the same manner and at the same time as the
27 regular municipal elections are held, for the purpose of electing
28 the members of the boards of trustees established under the
29 provisions of this article. All members of the boards of trustees
30 as herein constituted shall take office on the first Monday of
31 July following the date of their election and shall serve for a
32 term of four (4) years. The five (5) members of the board of
33 trustees of such school district shall be elected from special

34 trustee election districts by the qualified electors thereof, as
35 herein provided. The governing authorities of such municipality
36 shall apportion the municipal separate school district, including
37 added territory, into five (5) special trustee election districts
38 as nearly equal as possible according to population, incumbency
39 and other factors heretofore pronounced by the courts. The
40 municipal governing authority shall place upon its minutes the
41 boundaries determined for the new five (5) trustee election
42 districts. The municipal governing authority shall thereafter
43 publish the same in a newspaper of general circulation within said
44 school district for at least three (3) consecutive weeks; and
45 after having given notice of publication and recording the same
46 upon the minutes of the municipal governing authority, such new
47 district lines shall thereafter be effective. All incumbent
48 trustees holding office at the time of the creation of such
49 trustee election districts shall continue holding their respective
50 offices, provided they reside within the new district, for the
51 remainder of the term of office to which they have heretofore been
52 selected, and their successors shall be elected from the new
53 trustee election districts constituted herein in the manner
54 provided for in this section.

55 (2) Vacancies in the membership of the board of trustees of
56 any municipal separate school district shall be filled by
57 appointment, within sixty (60) days after the vacancy occurs, by
58 the governing authorities of such municipality. Such appointee
59 shall be selected from the qualified electors of the district in
60 which the vacancy occurs. The president of the municipal
61 governing authority shall certify to the Secretary of State the
62 fact of the appointment, and the person so appointed shall be
63 commissioned by the Governor; and if the unexpired term be longer
64 than six (6) months, such appointee shall serve until a successor
65 is elected as hereinafter provided, unless the vacancy shall occur
66 before ninety (90) days prior to the general election in a year in
67 which an election would normally be held for that office as
68 provided by law, in which case the person so appointed shall serve
69 the unexpired portion of the term. Such vacancies shall be filled
70 for the unexpired term by the qualified electors at the next

71 regular special election day occurring more than ninety (90) days
72 after the occurrence of the vacancy. The president of the
73 municipal governing authority shall, within ten (10) days after
74 the happening of the vacancy, make an order, in writing, directed
75 to the commissioners of election, commanding an election to be
76 held on the next regular special election day to fill the vacancy.
77 The election commissioners shall require each candidate to qualify
78 at least sixty (60) days before the date of the election, and
79 shall give a certificate of election to the person elected, and
80 shall return to the Secretary of State a copy of the order of
81 holding the election showing the results thereof, certified by the
82 president of the municipal governing authority. Such election
83 shall be held in the same manner provided for other municipal
84 office vacancies. The person elected shall be commissioned by the
85 Governor.

86 Provided, however, where only one (1) person shall have
87 qualified with the commissioners of election to be a candidate
88 within the time provided by law, the commissioners of election
89 shall certify to the municipal governing authority that there is
90 but one (1) candidate. Thereupon, the municipal governing
91 authority shall dispense with the election and shall appoint the
92 candidate so certified to fill the unexpired term. The president
93 of the municipal governing authority shall certify to the
94 Secretary of State the candidate so appointed to serve in such
95 office and that candidate shall be commissioned by the Governor.
96 In the event that no person shall have qualified at least sixty
97 (60) days prior to the date of the election, the commissioners of
98 election shall certify that fact to the municipal governing
99 authority which shall dispense with the election and fill the
100 vacancy by appointment. The president of the municipal governing
101 authority shall certify to the Secretary of State the fact of the
102 appointment, and the person so appointed shall be commissioned by
103 the Governor.

104 SECTION 2. Section 37-7-703, Mississippi Code of 1972, is
105 amended as follows:[CRG1]

106 37-7-703. In all such special municipal separate school
107 districts * * *, the board of trustees of such special municipal
108 separate school district shall be elected in the manner provided
109 by subsection (1) of section 37-7-203, and all of the provisions
110 thereof shall be fully applicable in all respects to the selection
111 and constitution of such board of trustees.

112 SECTION 3. Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,
113 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
114 certain methods for electing trustees of municipal separate school
115 districts from added territory, are repealed.

116 SECTION 4. Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,
117 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which
118 provide certain methods for selecting trustees of special
119 municipal separate school districts, are repealed.

120 SECTION 5. The Attorney General of the State of Mississippi
121 shall submit this act, immediately upon approval by the Governor,
122 or upon approval by the Legislature subsequent to a veto, to the
123 Attorney General of the United States or to the United States
124 District Court for the District of Columbia in accordance with the
125 provisions of the Voting Rights Act of 1965, as amended and
126 extended.

127 SECTION 6. This act shall take effect and be in force from
128 and after the date it is effectuated under Section 5 of the Voting
129 Rights Act of 1965, as amended and extended.