

By: Representative West

To: Education

HOUSE BILL NO. 1200

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 THAT ARE THE  
 5 SAME AS THE BOARD OF SUPERVISORS DISTRICTS; TO PROVIDE THAT THE  
 6 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 election on the first Tuesday after the  
 28 first Monday in November 2002, the board of trustees of any  
 29 special municipal separate school district situated within a  
 30 county having a population of more than thirty-five thousand  
 31 (35,000) according to the 1990 federal census and a county seat

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

36 (b) On the first Tuesday after the first Monday in  
37 November 2002, an election shall be held in any special municipal  
38 separate school district described in paragraph (a) of this  
39 subsection for the purpose of electing the members of the board of  
40 trustees of the special municipal separate school district. All  
41 members of the board of trustees of any district described in  
42 paragraph (a) of this subsection shall take office on January 1,  
43 2003, and shall serve until January 1, 2004. On the first Tuesday  
44 after the first Monday in November 2003 and every four (4) years  
45 thereafter, the board of trustees shall be elected for a term of  
46 four (4) years. The five (5) members of the board of trustees of  
47 the school district shall be elected from five (5) special trustee  
48 election districts, which shall be the same as the board of  
49 supervisors districts, by the qualified electors of each district,  
50 as provided in this subsection. All incumbent trustees holding  
51 office on the effective date of House Bill No. , 2000 Regular  
52 Session, shall continue holding their respective offices, provided  
53 they reside within the new district, through December 31, 2002.  
54 Their 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 2002 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 November election  
72 in 2002 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.