HOUSE BILL NO. 1200

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

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

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

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

(2) (a) Notwithstanding any other provision of law to the contrary, beginning at the election on the first Tuesday after the first Monday in November 2002, the board of trustees of any special municipal separate school district situated within a county having a population of more than thirty-five thousand (35,000) according to the 1990 federal census and a county seat...
having a population of more than nineteen thousand (19,000) but
less than nineteen-thousand five hundred (19,500) according to the
1990 federal census shall be elected in the manner prescribed in
this section.

(b) On the first Tuesday after the first Monday in
November 2002, an election shall be held in any special municipal
separate school district described in paragraph (a) of this
subsection for the purpose of electing the members of the board of
trustees of the special municipal separate school district. All
members of the board of trustees of any district described in
paragraph (a) of this subsection shall take office on January 1,
2003, and shall serve until January 1, 2004. On the first Tuesday
after the first Monday in November 2003 and every four (4) years
thereafter, the board of trustees shall be elected for a term of
four (4) years. The five (5) members of the board of trustees of
the school district shall be elected from five (5) special trustee
election districts, which shall be the same as the board of
supervisors districts, by the qualified electors of each district,
as provided in this subsection. All incumbent trustees holding
office on the effective date of House Bill No. 1200, 2000 Regular
Session, shall continue holding their respective offices, provided
they reside within the new district, through December 31, 2002.
Their successors shall be elected from the new trustee election
districts constituted in this section in the manner provided for
in this section.

(c) Candidates for the board of trustees of any school
district described in paragraph (a) of this subsection shall file
their intent to be a candidate with the proper officials no later
than 5:00 p.m. on August 1 in 2002 and no later than 5:00 p.m. on
March 1 in 2003 and every four (4) years thereafter. The
candidates shall pay to the proper officials the sum of Fifteen
Dollars ($15.00).
(3) (a) The board of trustees for any school district described in paragraph (a) of subsection (2) shall be nonpartisan offices, and a candidate for election thereto is prohibited from campaigning or qualifying for the office based on party affiliation.

(b) The names of the candidates for the board of trustees of any school district described in paragraph (a) of subsection (2) which appear on the ballot at the November election in 2002 and in the general election in 2003 and every four (4) years thereafter shall be grouped together on a separate portion of the ballot, clearly identified as a nonpartisan board of trustees election.

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

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

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

(5) Vacancies in the membership of the board of trustees of any school district described in subsection (2)(a) shall be filled by appointment, within sixty (60) days after the vacancy occurs.
by either the governing authorities of the municipality or the
board of supervisors of the county, whichever has the higher
number of students in the school district from that trustee
district. The appointee shall be selected from the qualified
electors of the district in which the vacancy occurs. The
president of the municipal governing authority or of the board of
supervisors, as the case may be, shall certify to the Secretary of
State the fact of the appointment, and the Governor shall
commission the person appointed. If the unexpired term is longer
than six (6) months, the appointee shall serve until a successor
is elected at the next special election, unless the vacancy occurs
ninety (90) days before the general election in a year in which an
election would normally be held for that office as provided by
law, in which case the person appointed shall serve the unexpired
portion of the term. The vacancies shall be filled for the
unexpired term by the qualified electors at the next regular
special election day occurring more than ninety (90) days after
the occurrence of the vacancy. The president of the municipal
governing authority or of the board of supervisors, as the case
may be, within ten (10) days after the happening of the vacancy,
shall make an order, in writing, directed to the commissioners of
election, commanding an election to be held on the next regular
special election day to fill the vacancy. The election
commissioners shall require each candidate to qualify at least
sixty (60) days before the date of the election, and shall give a
certificate of election to the person elected, and shall return to
the Secretary of State a copy of the order of holding the election
and the results of the election, certified by the president of the
municipal governing authority or of the board of supervisors, as
the case may be. The election shall be held in the manner
provided for in this section. The Governor shall commission the
person elected.
However, where only one (1) person has qualified with the commissioners of election to be a candidate within the time provided by law, the commissioners of election shall certify to the municipal governing authority or the board of supervisors, as the case may be, that there is but one (1) candidate. The municipal governing authority or the board of supervisors, as the case may be, shall dispense with the election and shall appoint the certified candidate to fill the unexpired term. The president of the municipal governing authority or of the board of supervisors, as the case may be, shall certify to the Secretary of State the candidate so appointed to serve in the office, and the Governor shall commission the candidate. If no person has qualified at least sixty (60) days before the date of the election, the commissioners of election shall certify that fact to the municipal governing authority or the board of supervisors, as the case may be, which shall dispense with the election and fill the vacancy by appointment. The president of the municipal governing authority or the board of supervisors, as the case may be, shall certify to the Secretary of State the fact of the appointment, and the Governor shall commission the appointed person.

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

23-15-193. At the election in 1995, and every four (4) years thereafter, there shall be elected a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, three (3) public service commissioners, three (3) Mississippi transportation commissioners, Commissioner of Insurance, Commissioner of Agriculture and Commerce, Senators and members of the House of Representatives in the Legislature, district attorneys for the several districts, clerks of the circuit and chancery courts of the several counties, as well as sheriffs, coroners, assessors, surveyors and members of
the boards of supervisors, justice court judges, constables, and
the board of trustees of any special municipal school district
described in Section 37-7-703(2)(a), and all other officers to be
elected by the people at the general state election. All such
officers shall hold their offices for a term of four (4) years,
and until their successors are elected and qualified. The state
officers shall be elected in the manner prescribed in Section 140
of the Constitution.

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

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

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

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

At such election the members of the said board from
supervisors districts one (1) and five (5) shall be elected for a
term of six (6) years, the members from districts three (3) and
four (4) shall be elected for a term of four (4) years, and the
members from district two (2) shall be elected for a term of two
years. Thereafter members shall be elected at regular general
elections as vacancies occur for terms of six (6) years each and
shall take office on the first Monday of January after their
election.

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

37-7-709. Except as provided in Section 37-7-703(2), in all
such special municipal separate school districts which may be so
organized, reorganized or reconstituted to embrace the entire
county in which the majority of the inhabitants of the county
reside outside the corporate limits of the municipality, all
vacancies which may occur during the term of office shall be
filled by appointment by the remaining members of the board of
trustees, such appointee to have the same qualifications as other
members of the board and to reside in the same supervisors
district as the former member whose death, removal or resignation
caused the vacancy. Such appointment shall be made within thirty
(30) days after the vacancy occurs. The person so appointed shall
serve only until the first Monday of January following the next
regular general election after such appointment and, at the
regular general election next preceding such first Monday in
January, a person shall be elected for the remainder of the
unexpired term at the same time and in the same manner as a
trustee is elected for the full term next expiring, and such
person shall take office on said first Monday of January.
SECTION 6. Section 37-7-711, Mississippi Code of 1972, is amended as follows:

37-7-711. Except as provided in Section 37-7-703(2), in all such special municipal separate school districts which may be so organized, reorganized or reconstituted to embrace the entire county in which the majority of the inhabitants of the county reside outside the corporate limits of the municipality, the name of any qualified elector who is a candidate for the board of trustees of such special municipal separate school district, whether such person be a candidate for an unexpired term or for a full term, shall be placed on the ballot used in the elections, provided that the candidate files with the county election commissioners, not more than ninety (90) days and not less than thirty (30) days prior to the date of such general election, a petition of nomination signed by not less than one hundred fifty (150) qualified electors of the county. The candidate in each election who receives the highest number of votes cast in the election shall be declared to have been elected.

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

37-7-713. Except as provided in Section 37-7-703(2), in all special municipal separate school districts where the district embraces less than the entire area of the county and where the majority of the educable children of such district reside outside the limits of the municipality, unless the governing authorities of the municipality and the county provide for one (1) of the alternative methods of organization as set out in Sections 37-7-715 and 37-7-717, the said special municipal separate school district shall be governed by a board of trustees consisting of five (5) members, to be elected by the qualified electors of such municipal separate school district from the district at large in the manner provided by Sections 37-7-209 through 37-7-219, and all duties imposed upon the county superintendent of education by said
sections with reference to such elections shall be imposed upon
and performed by the superintendent of the municipal separate
group. However, the first board of trustees of such
special municipal separate school district shall be appointed in
the following manner. The governing authorities of the
municipality shall appoint three (3) trustees, and such
appointments shall be made so that one (1) trustee shall be
appointed to serve until the first Saturday of March following
such appointment, one (1) for two (2) years longer, and one (1)
for four (4) years longer. The board of education of the county
shall appoint two (2) trustees, such appointments to be made so
that one (1) trustee shall be appointed to serve until the first
Saturday of March of the second year following such appointment,
and one (1) trustee for two (2) years longer. After such original
appointments the trustees of such a special municipal separate
school district shall be elected for a term of five (5) years, as
herein provided. All such members of said board of trustees shall
be residents and qualified electors of such school district. All
vacancies which may occur during a term of office shall be filled
by appointment by the remaining members of the board of trustees,
such appointee to have the same qualifications as other members of
the board. Such appointment shall be made within thirty (30) days
after the vacancy occurs. The person so appointed shall serve
only until his successor shall have qualified. The successor to
serve the remainder of the unexpired term shall be elected on the
first Saturday of March next following the occurrence of such
vacancy in the same manner as provided for by Sections 37-7-209
through 37-7-219.

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

37-7-715. Except as provided in Section 37-7-703(2), upon
the organization, reorganization or reconstitution of any special
municipal separate school district, the board of supervisors of
H. B. No. 1200  *HR03/ R1609*
01/HR03/R1609
PAGE 9 (HM\1LH)
the county wherein such special municipal separate school district
is located and the governing authorities of the municipality may,
by an order spread upon their minutes within sixty (60) days after
such organization, reorganization or reconstitution shall have
become final, expressing an agreement between both such governing
authorities, choose to constitute the board of such special
municipal separate school district under one (1) of the optional
methods of organization set out in Section 37-7-717. In the event
that both the governing authorities hereinabove referred to shall
enter such an order within said period, then the said board of
trustees shall be thereafter constituted and selected according to
the terms of such agreement, provided such agreement is in
conformity with the terms of Section 37-7-717. It is further
expressly provided that irregularities of a procedural nature in
the adoption of such orders shall not affect the validity of the
same or the validity of any acts of the board of trustees which
may be constituted by virtue thereof.

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

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

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

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

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

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

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