To: Education; Elections

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2001

By: Senator(s) Harden

To: Education; Elections

SENATE BILL NO. 2228

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

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

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

37-7-203. (1) The boards of trustees of all municipal separate school districts created under the provisions of Article 1 of this chapter, either with or without added territory, shall consist of five (5) members. On the first Tuesday after the first Monday in June, and every four (4) years thereafter, an election shall be held in each municipal separate school district in this state, in the same manner and at the same time as the regular municipal elections are held, for the purpose of electing the members of the boards of trustees established under the provisions of this article. All members of the boards of trustees as herein constituted shall take office on the first Monday of July following the date of their election and shall serve for a term of four (4) years. The five (5) members of the board of trustee election districts by the qualified electors thereof, as
herein provided. The governing authorities of such municipality shall apportion the municipal separate school district, including added territory, into five (5) special trustee election districts as nearly equal as possible according to population, incumbency and other factors heretofore pronounced by the courts. The municipal governing authority shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The municipal governing authority shall thereafter publish the same in a newspaper of general circulation within said school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the municipal governing authority, such new district lines shall thereafter be effective. All incumbent trustees holding office at the time of the creation of such trustee election districts shall continue holding their respective offices, provided they reside within the new district, for the remainder of the term of office to which they have heretofore been selected, and their successors shall be elected from the new trustee election districts constituted herein in the manner provided for in this section.

(2) Vacancies in the membership of the board of trustees of any municipal separate school district shall be filled by appointment, within sixty (60) days after the vacancy occurs, by the governing authorities of such municipality. Such appointee shall be selected from the qualified electors of the district in which the vacancy occurs. The president of the municipal governing authority shall certify to the Secretary of State the fact of the appointment, and the person so appointed shall be commissioned by the Governor; and if the unexpired term be longer than six (6) months, such appointee shall serve until a successor is elected as hereinafter provided, unless the vacancy shall occur before ninety (90) days prior to 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 so appointed shall serve
the unexpired portion of the term. Such 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 shall, within ten (10) days after
the happening of the vacancy, 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 showing the results thereof, certified by the
president of the municipal governing authority. Such election
shall be held in the same manner provided for other municipal
office vacancies. The person elected shall be commissioned by the
Governor.

Provided, however, where only one (1) person shall have
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 that there is
but one (1) candidate. Thereupon, the municipal governing
authority shall dispense with the election and shall appoint the
candidate so certified to fill the unexpired term. The president
of the municipal governing authority shall certify to the
Secretary of State the candidate so appointed to serve in such
office and that candidate shall be commissioned by the Governor.
In the event that no person shall have qualified at least sixty
(60) days prior to the date of the election, the commissioners of
election shall certify that fact to the municipal governing
authority which shall dispense with the election and fill the
vacancy by appointment. The president of the municipal governing
authority shall certify to the Secretary of State the fact of the
appointment, and the person so appointed shall be commissioned by
the Governor.

SECTION 2. Section 37-7-703, Mississippi Code of 1972, is
amended as follows:

37-7-703. In all such special municipal separate school
districts *, * *, the board of trustees of such special municipal
separate school district shall be elected 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.

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

SECTION 4. Sections 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, which
provide certain methods for selecting trustees of special
municipal separate school districts, are repealed.

SECTION 5. 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 6. 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.