MISSISSIPPI LEGISLATURE

By: Representative Chism

To: Education; Apportionment and Elections

HOUSE BILL NO. 370

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 DISTRICTS; 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 2005, 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 constituted in this section 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 trustees of the school district shall be elected from special trustee election districts by the qualified electors of
the district, as provided in this section. The governing authorities of the 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 pronounced by the courts before the effective date of this act. 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 the 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, the new district lines shall thereafter be effective. All incumbent trustees holding office at the time of the creation of the 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 been selected before the effective date of this act, and their successors shall be elected from the new trustee election districts constituted in this section 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 the municipality. The 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 Governor shall commission the person appointed; and if the unexpired term is longer than six (6) months, the appointee shall serve until a successor is elected as provided in this section, 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,
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. The election shall be held in the
same manner provided for other municipal office vacancies. 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 that there is but one (1)
candidate. The municipal governing authority shall dispense with
the election and shall appoint the certified candidate 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 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, 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 Governor shall commission the appointed person.

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

37-7-703. In all special municipal separate school districts, the board of trustees of such special municipal 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 January 1, 2005, or the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, whichever is later.