

By: Representative Chism

To: Education; Apportionment  
and Elections

HOUSE BILL NO. 370

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 DISTRICTS; 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 first  
24 Monday in June 2005, 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 constituted in this section shall take office on the first  
31 Monday of July following the date of their election and shall  
32 serve for a term of four (4) years. The five (5) members of the  
33 board of trustees of the school district shall be elected from  
34 special trustee election districts by the qualified electors of



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

56 (2) Vacancies in the membership of the board of trustees of  
57 any municipal separate school district shall be filled by  
58 appointment, within sixty (60) days after the vacancy occurs, by  
59 the governing authorities of the municipality. The appointee  
60 shall be selected from the qualified electors of the district in  
61 which the vacancy occurs. The president of the municipal  
62 governing authority shall certify to the Secretary of State the  
63 fact of the appointment, and the Governor shall commission the  
64 person appointed; and if the unexpired term is longer than six (6)  
65 months, the appointee shall serve until a successor is elected as  
66 provided in this section, unless the vacancy occurs ninety (90)  
67 days before the general election in a year in which an election



68 would normally be held for that office as provided by law, in  
69 which case the person appointed shall serve the unexpired portion  
70 of the term. The vacancies shall be filled for the unexpired term  
71 by the qualified electors at the next regular special election day  
72 occurring more than ninety (90) days after the occurrence of the  
73 vacancy. The president of the municipal governing authority,  
74 within ten (10) days after the happening of the vacancy, shall  
75 make an order, in writing, directed to the commissioners of  
76 election, commanding an election to be held on the next regular  
77 special election day to fill the vacancy. The election  
78 commissioners shall require each candidate to qualify at least  
79 sixty (60) days before the date of the election, and shall give a  
80 certificate of election to the person elected, and shall return to  
81 the Secretary of State a copy of the order of holding the election  
82 and the results of the election, certified by the president of the  
83 municipal governing authority. The election shall be held in the  
84 same manner provided for other municipal office vacancies. The  
85 Governor shall commission the person elected.

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



101 appointment, and the Governor shall commission the appointed  
102 person.

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

105       37-7-703. In all \* \* \* special municipal separate school  
106 districts, \* \* \* the board of trustees of such special municipal  
107 separate school district shall be elected in the manner provided  
108 by subsection (1) of Section 37-7-203, and all of the provisions  
109 thereof shall be fully applicable in all respects to the selection  
110 and constitution of such board of trustees.

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

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

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

126       **SECTION 6.** This act shall take effect and be in force from  
127 and after January 1, 2005, or the date it is effectuated under  
128 Section 5 of the Voting Rights Act of 1965, as amended and  
129 extended, whichever is later.

