

By: Representative Chism

To: Education; Apportionment
and Elections

HOUSE BILL NO. 374

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; TO AMEND
16 SECTION 37-9-13, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
17 APPOINTMENT OF ALL SUPERINTENDENTS OF SCHOOLS FROM AND AFTER
18 JANUARY 1, 2004; TO AMEND SECTION 37-9-25, MISSISSIPPI CODE OF
19 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 37-9-12,
20 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM ON THE
21 QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE COUNTY
22 SUPERINTENDENT OF EDUCATION; TO REPEAL, FROM AND AFTER THE
23 EFFECTIVE DATE OF THIS ACT, SECTIONS 37-5-61 THROUGH 37-5-75,
24 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ELECTION OF COUNTY
25 SUPERINTENDENTS OF EDUCATION; TO AMEND SECTION 23-15-297,
26 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
27 PURPOSES.

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

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

31 37-7-203. (1) The boards of trustees of all municipal
32 separate school districts created under the provisions of Article
33 1 of this chapter, either with or without added territory, shall
34 consist of five (5) members. On the first Tuesday after the first
35 Monday in June 2005, and every four (4) years thereafter, an
36 election shall be held in each municipal separate school district
37 in this state, in the same manner and at the same time as the
38 regular municipal elections are held, for the purpose of electing
39 the members of the boards of trustees established under the



40 provisions of this article. All members of the boards of trustees
41 as constituted in this section shall take office on the first
42 Monday of July following the date of their election and shall
43 serve for a term of four (4) years. The five (5) members of the
44 board of trustees of the school district shall be elected from
45 special trustee election districts by the qualified electors of
46 the district, as provided in this section. The governing
47 authorities of the municipality shall apportion the municipal
48 separate school district, including added territory, into five (5)
49 special trustee election districts as nearly equal as possible
50 according to population, incumbency and other factors pronounced
51 by the courts before the effective date of House Bill No. _____,
52 2003 Regular Session. The municipal governing authorities shall
53 place upon its minutes the boundaries determined for the new five
54 (5) trustee election districts. The municipal governing
55 authorities shall thereafter publish the same in a newspaper of
56 general circulation within the school district for at least three
57 (3) consecutive weeks; and after having given notice of
58 publication and recording the same upon the minutes of the
59 municipal governing authorities, the new district lines shall
60 thereafter be effective. All incumbent trustees holding office at
61 the time of the creation of the trustee election districts shall
62 continue holding their respective offices, provided they reside
63 within the new district, for the remainder of the term of office
64 to which they were selected before the effective date of House
65 Bill No. _____, 2003 Regular Session, and their successors shall be
66 elected from the new trustee election districts constituted in
67 this section in the manner provided for in this section.

68 (2) Vacancies in the membership of the board of trustees of
69 any municipal separate school district shall be filled by
70 appointment, within sixty (60) days after the vacancy occurs, by
71 the governing authorities of the municipality. The appointee
72 shall be selected from the qualified electors of the district in



73 which the vacancy occurs. The president of the municipal
74 governing authorities shall certify to the Secretary of State the
75 fact of the appointment, and the Governor shall commission the
76 person appointed. If the unexpired term is longer than six (6)
77 months, the appointee shall serve until a successor is elected as
78 provided in this section, unless the vacancy occurs ninety (90)
79 days before the general election in a year in which an election
80 would normally be held for that office as provided by law, in
81 which case the person appointed shall serve the unexpired portion
82 of the term. The vacancies shall be filled for the unexpired term
83 by the qualified electors at the next regular special election day
84 occurring more than ninety (90) days after the occurrence of the
85 vacancy. The president of the municipal governing authorities,
86 within ten (10) days after the happening of the vacancy, shall
87 make an order, in writing, directed to the commissioners of
88 election, commanding an election to be held on the next regular
89 special election day to fill the vacancy. The election
90 commissioners shall require each candidate to qualify at least
91 sixty (60) days before the date of the election, and shall give a
92 certificate of election to the person elected, and shall return to
93 the Secretary of State a copy of the order of holding the election
94 and the results of the election, certified by the president of the
95 municipal governing authorities. The election shall be held in
96 the same manner provided for other municipal office vacancies.
97 The Governor shall commission the person elected.

98 However, where only one (1) person has qualified with the
99 commissioners of election to be a candidate within the time
100 provided by law, the commissioners of election shall certify to
101 the municipal governing authority that there is but one (1)
102 candidate. The municipal governing authorities shall dispense
103 with the election and shall appoint the certified candidate to
104 fill the unexpired term. The president of the municipal governing
105 authorities shall certify to the Secretary of State the candidate



106 so appointed to serve in the office and the Governor shall
107 commission the candidate. If no person has qualified at least
108 sixty (60) days before the date of the election, the commissioners
109 of election shall certify that fact to the municipal governing
110 authorities, which shall dispense with the election and fill the
111 vacancy by appointment. The president of the municipal governing
112 authorities shall certify to the Secretary of State the fact of
113 the appointment, and the Governor shall commission the appointed
114 person.

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

117 37-7-703. In all * * * special municipal separate school
118 districts * * *, the board of trustees of such special municipal
119 separate school district shall be elected in the manner provided
120 by subsection (1) of Section 37-7-203, and all of the provisions
121 thereof shall be fully applicable in all respects to the selection
122 and constitution of such board of trustees.

123 **SECTION 3.** Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,
124 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
125 certain methods for electing trustees of municipal separate school
126 districts from added territory, are repealed.

127 **SECTION 4.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,
128 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which
129 provide certain methods for selecting trustees of special
130 municipal separate school districts, are repealed.

131 **SECTION 5.** Section 37-9-13, Mississippi Code of 1972, is
132 amended as follows:

133 37-9-13. (1) From and after January 1, 2004, in all public
134 school districts, the school board, on or before January 15 of
135 each year, shall appoint the superintendent of schools of the
136 district, except in those cases where the superintendent has been
137 selected previously and has a contract which is valid for the
138 ensuing scholastic year.



139 (2) No person shall be eligible to the office of
140 superintendent of schools unless such person shall hold a valid
141 administrator's license by the State Department of Education and
142 shall have had not less than four (4) years of classroom or
143 administrative experience.

144 **SECTION 6.** Section 37-9-25, Mississippi Code of 1972, is
145 amended as follows:

146 37-9-25. The school board shall have the power and
147 authority, in its discretion, to employ the superintendent * * *
148 for not exceeding four (4) scholastic years and the principals or
149 licensed employees for not exceeding three (3) scholastic years.
150 In such case, contracts shall be entered into with such
151 superintendents, principals and licensed employees for the number
152 of years for which they have been employed. All such contracts
153 with licensed employees shall for the years after the first year
154 thereof be subject to the contingency that the licensed employee
155 may be released if, during the life of the contract, the average
156 daily attendance should decrease from that existing during the
157 previous year and thus necessitate a reduction in the number of
158 licensed employees during any year after the first year of the
159 contract. However, in all such cases the licensed employee must
160 be released before July 1 or at least thirty (30) days prior to
161 the beginning of the school term, whichever date should occur
162 earlier. The salary to be paid for the years after the first year
163 of such contract shall be subject to revision, either upward or
164 downward, in the event of an increase or decrease in the funds
165 available for the payment thereof, but, unless such salary is
166 revised prior to the beginning of a school year, it shall remain
167 for such school year at the amount fixed in such contract.
168 However, where school district funds, other than adequate
169 education program funds, are available during the school year in
170 excess of the amount anticipated at the beginning of the school
171 year the salary to be paid for such year may be increased to the



172 extent that such additional funds are available and nothing herein
173 shall be construed to prohibit same.

174 **SECTION 7.** Section 37-9-12, Mississippi Code of 1972, which
175 provides for a referendum on the question of retaining the
176 elective method of choosing the county superintendent of
177 education, is repealed.

178 **SECTION 8.** Sections 37-5-61, 37-5-63, 37-5-65, 37-5-67,
179 37-5-69, 37-5-71 and 37-5-75, Mississippi Code of 1972, which
180 provide for the election of county superintendents of education,
181 are repealed from and after the effective date of Sections 5
182 through 9 of this act.

183 **SECTION 9.** Section 23-15-297, Mississippi Code of 1972, is
184 amended as follows:

185 23-15-297. All candidates upon entering the race for party
186 nominations for office shall first pay to the proper officer as
187 provided for in Section 23-15-299 for each primary election the
188 following amounts:

189 (a) Candidates for Governor not to exceed Three Hundred
190 Dollars (\$300.00).

191 (b) Candidates for Lieutenant Governor, Attorney
192 General, Secretary of State, State Treasurer, Auditor of Public
193 Accounts, Commissioner of Insurance, Commissioner of Agriculture
194 and Commerce, State Highway Commissioner and State Public Service
195 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

196 (c) Candidates for district attorney, not to exceed One
197 Hundred Dollars (\$100.00).

198 (d) Candidates for State Senator, State Representative,
199 sheriff, chancery clerk, circuit clerk, tax assessor, tax
200 collector, county attorney * * * and board of supervisors, not to
201 exceed Fifteen Dollars (\$15.00).

202 (e) Candidates for county surveyor, county coroner,
203 justice court judge and constable, not to exceed Ten Dollars
204 (\$10.00).



205 (f) Candidates for United States Senator, not to exceed
206 Three Hundred Dollars (\$300.00).

207 (g) Candidates for United States Representative, not to
208 exceed Two Hundred Dollars (\$200.00).

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

216 **SECTION 11.** Sections 1 through 4 of this act shall take
217 effect and be in force from and after January 1, 2005, or the date
218 they are effectuated under Section 5 of the Voting Rights Act of
219 1965, as amended and extended, whichever is later. Sections 5
220 through 9 of this act shall take effect and be in force from and
221 after the date they are effectuated under Section 5 of the Voting
222 Rights Act of 1965, as amended and extended.

