

By: Representative Chism

To: Education; Apportionment  
and Elections

## HOUSE BILL NO. 375

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 House Bill No. \_\_\_\_\_,  
41 2003 Regular Session. The municipal governing authorities shall  
42 place upon their minutes the boundaries determined for the new  
43 five (5) trustee election districts. The municipal governing  
44 authorities shall thereafter publish the same in a newspaper of  
45 general circulation within the school district for at least three  
46 (3) consecutive weeks; and after having given notice of  
47 publication and recording the same upon the minutes of the  
48 municipal governing authorities, the new district lines shall  
49 thereafter be effective. All incumbent trustees holding office at  
50 the time of the creation of the trustee election districts shall  
51 continue holding their respective offices, provided they reside  
52 within the new district, for the remainder of the term of office  
53 to which they were selected before the effective date of House  
54 Bill No. \_\_\_\_\_, 2003 Regular Session, and their successors shall be  
55 elected from the new trustee election districts constituted in  
56 this section in the manner provided for in this section.

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



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

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



101 authorities shall certify to the Secretary of State the fact of  
102 the appointment, and the Governor shall commission the appointed  
103 person.

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

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

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

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

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

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

