SENATE BILL NO. 2035

AN ACT TO AMEND SECTIONS 37-7-209, 37-7-221, 37-7-223, 37-7-225, 37-7-229 AND 37-7-203, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ALL ELECTIONS OF TRUSTEES OF MUNICIPAL SEPARATE OR SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS SHALL BE HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER IN THE SAME MANNER AS GENERAL STATE AND COUNTY ELECTIONS ARE HELD; TO REPEAL SECTIONS 37-7-211 THROUGH 37-7-219, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE CONDUCT OF ELECTIONS OF MUNICIPAL AND SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICT TRUSTEES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-7-209, Mississippi Code of 1972, is amended as follows:

37-7-209. All elections of trustees who are elected under the provisions of subsection (1) of Section 37-7-203 shall be held and conducted on the first Tuesday after the first Monday in November in the same manner as general state and county elections are held and conducted, as provided for in Sections 37-7-223 through 37-7-229.

SECTION 2. Section 37-7-221, Mississippi Code of 1972, is amended as follows:

37-7-221. The election of consolidated or consolidated line school district trustees or municipal separate or special municipal separate school district trustees who are elected shall be held in the manner provided for in Sections 37-7-223 through 37-7-229 rather than the method now provided by Sections 37-7-209 through 37-7-219, or by Sections 37-7-211 through 37-7-219.

SECTION 3. Section 37-7-223, Mississippi Code of 1972, is amended as follows:

37-7-223. All elections of consolidated, consolidated line school district trustees, or municipal separate or special
municipal separate school district trustees shall be held on the
first Tuesday after the first Monday in November of each year in
the same manner as general state and county elections are held and
conducted.

SECTION 4. Section 37-7-225, Mississippi Code of 1972, is
amended as follows:

37-7-225. The county election commissioners shall place the
name of any person eligible to hold the office of trustee on the
ballot used in the election, provided that such candidate shall
have filed with the county registrar, not more than ninety (90)
days and by 5:00 p.m. not less than sixty (60) days prior to the
date of such election, a petition of nomination signed by not less
than fifty (50) qualified electors of the school district or area
of the school district to be served by the trustee, as the case
may be. Where there are less than one hundred (100) qualified
electors in said district or area to be served, it shall only be
required that said petition of nomination be signed by at least
twenty percent (20%) of the qualified electors of such school
district or area. If such person be a candidate for an unexpired
term, he shall indicate the term for which he is a candidate in
such petition; otherwise he shall be deemed to be a candidate for
a full term.

If after the time for candidates to file the petition of
nomination provided for herein there should be only one (1) person
to qualify for the office of trustee, then no election or notice
of election shall be necessary and such person shall, if otherwise
qualified, be declared elected without opposition.

SECTION 5. Section 37-7-229, Mississippi Code of 1972, is
amended as follows:

37-7-229. For the purpose of holding such election, it shall
be the duty of the county election commissioners to prepare from
the records in the office of the county registrar a list of the
qualified electors of the school district or the area of the
school district in which such election is to be held who are eligible to participate in such election. Such list shall be furnished to the election managers in each precinct, together with the ballots and other election supplies.

In the event that any election precinct embraces parts of two (2) or more school districts it shall be the duty of the county election commissioners to prepare from the records in the office of the county registrar separate lists of the qualified electors of each school district who reside in said precinct and who are eligible to participate in such election. Said election commissioners shall furnish to the election managers in said precinct separate ballots and separate ballot boxes and separate voting lists for each school district.

For each day spent in carrying out the provisions of Sections 37-7-225 through 37-7-229 the county election commissioners shall be paid at the rate prescribed by law.

SECTION 6. 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, each to be chosen for a term of five (5) years, but so chosen that the term of office of one (1) member shall expire each year. In the event the added territory of a municipal separate school district furnishes fifteen percent (15%) or more of the pupils enrolled in the schools of such district, then at least one (1) member of the board of trustees of such school district shall be a resident of the added territory outside the corporate limits. In the event the added territory of a municipal separate school district furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then not more than two (2) members of the board of trustees of such school district shall be residents of the added territory.
outside the corporate limits. In the event the added territory of
a municipal separate school district in a county in which
Mississippi Highways 8 and 15 intersect furnishes thirty percent
(30%) or more of the pupils enrolled in the schools of such
district, then the five (5) members of the board of trustees of
such school district shall be elected at large from such school
district for a term of five (5) years each except that the two (2)
elected trustees presently serving on such board shall continue to
serve for their respective terms of office. The three (3)
appointed trustees presently serving on such board shall continue
to serve until their successors are elected in March of 1975 in
the manner provided for in Section 37-7-215. At such election,
one (1) trustee shall be elected for a term of two (2) years, one
(1) for a term of three (3) years and one (1) for a term of five
(5) years. Subsequent terms for each successor trustee shall be
for five (5) years. In the event one (1) of two (2) municipal
separate school districts located in any county with two (2)
judicial districts, District 1 being comprised of Supervisors
Districts 1, 2, 4 and 5, and District 2 being comprised of
Supervisors District 3, with added territory embraces three (3)
full supervisors districts of a county, one (1) trustee shall be
elected from each of the three (3) supervisors districts outside
the corporate limits of the municipality. In the further event
that the territory of a municipal separate school district located
in any county with two (2) judicial districts, District 1 being
comprised of Supervisors Districts 1, 2, 4 and 5, and District 2
being comprised of Supervisors District 3, with added territory
embraces four (4) full supervisors districts in the county, and in
any county in which a municipal separate school district embraces
the entire county in which Highways 14 and 15 intersect, one (1)
trustee shall be elected from each supervisors district.

Except as otherwise provided herein, the trustees of such a
municipal separate school district shall be elected by a majority
of the governing authorities of the municipality at the first
meeting of the governing authorities held in the month of February
of each year, and the term of office of the member so elected
shall commence on the first Saturday of March following. In the
case of a member of said board of trustees who is required to come
from the added territory outside the corporate limits as is above
provided, such member of the board of trustees shall be elected by
the qualified electors of the school district residing in such
added territory outside the corporate limits at the same time and
in the same manner as is provided for in Sections 37-7-223 through
37-7-229.

In the event that a portion of a county school district is
reconstituted, in the manner provided by law, into a municipal
separate school district with added territory and in the event
that the trustees to be elected from the added territory are
requested to be elected from separate election districts within
the added territory, instead of elected at large, by the Attorney
General of the United States as a result of and pursuant to
preclearance under Section 5 of the Voting Rights Act of 1965 as
amended and extended, and in the event the added territory of a
municipal separate school district of a municipality furnishes
thirty percent (30%) or more of the pupils enrolled in the schools
of such district, then two (2) members of the board of trustees
shall be residents of the added territory outside the corporate
limits of such municipality and shall be elected from special
trustee election districts by the qualified electors thereof as
herein provided. The board of trustees of the school district
shall apportion the added territory into two (2) special trustee
election districts as nearly as possible according to population
and other factors heretofore pronounced by the courts. The board
of trustees of the school district shall thereafter publish the
same in a newspaper of general circulation within said school
district for at least two (2) consecutive weeks; and after having
given notice of publication and recording the same upon the minutes of the board of trustees of the school district, said new district lines shall thereafter be effective. Any person elected from the new trustee election districts constituted herein shall be elected in the manner provided for in Sections 37-7-223 through 37-7-229 for a term of five (5) years. Any vacancy in the office of a trustee elected from such trustee election district, whether occasioned by redistricting or by other cause, shall be filled by appointment of the governing authorities of the municipality, provided that the person so appointed shall serve only until the first Tuesday after the first Monday in November following his appointment, at which time a person shall be elected for the remainder of the unexpired term in the manner provided in Section 37-7-227.

In any county organizing a countywide municipal separate school district after January 1, 1965, the trustees thereof to be elected from outside the municipality, such trustees shall be elected by the board of supervisors of such county, and the superintendent of such school district shall have authority to pay out and distribute the funds of said district. In the event a municipal separate school district should occupy territory in a county other than that in which the municipality is located and fifteen percent (15%) or more of the pupils enrolled in the schools of such district shall come from the territory of the district in the county other than that in which the municipality is located, the territory of such county in which the municipality is not located shall be entitled to one (1) member on the board of trustees of such school district. Said trustee shall be a resident of the territory of that part of the district lying in the county in which the municipality is not located and shall be elected by the qualified electors of the territory of such county at the same time and in the same manner as is provided for the election of trustees of school districts other than municipal
separate school districts having territory in two (2) or more counties.

All vacancies shall be filled for the unexpired terms by appointment of the governing authorities of the municipality; except that in the case of the trustees coming from the added territory outside the corporate limits, the person so appointed shall serve only until the first Tuesday after the first Monday in November following his appointment, at which time a person shall be elected for the remainder of the unexpired term in the manner otherwise provided herein.

No person who is a member of such governing body, or who is an employee of the municipality, or who is a member of the county board of education, or who is a trustee of any public, private or sectarian school or college located in the county, inclusive of the municipal separate school district, or who is a teacher in or a trustee of said school district, shall be eligible for appointment to said board of trustees.

(2) In counties of less than fifteen thousand (15,000) people having a municipal separate school district with added territory which embraces all the territory of a county, one (1) or more trustees of such district shall be nominated from each supervisors district upon petition of fifty (50) qualified electors of said district, or twenty percent (20%) of the qualified electors of said county, whichever number shall be smaller, and shall be elected by a plurality of the vote of the qualified electors of said county. One (1) trustee so elected shall reside in each supervisors district of the county. In such counties embraced entirely by a municipal separate school district there shall be no county board of education after the formation of such district and the county superintendent of education shall act as superintendent of schools of said district and shall be appointed by the board of trustees of said district, and the
provisions of subsection (1) of this section and the first paragraph of Section 37-7-211 shall not apply to such districts.

SECTION 7. Sections 37-7-211, 37-7-213, 37-7-215, 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide for the conduct of elections of trustees of municipal and special municipal separate school districts, are hereby repealed.

SECTION 8. 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 9. 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.