

By: Senator(s) Gordon

To: Elections

SENATE BILL NO. 2035

1 AN ACT TO AMEND SECTIONS 37-7-209, 37-7-221, 37-7-223,
 2 37-7-225, 37-7-229 AND 37-7-203, MISSISSIPPI CODE OF 1972, TO
 3 PROVIDE THAT ALL ELECTIONS OF TRUSTEES OF MUNICIPAL SEPARATE OR
 4 SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS SHALL BE HELD ON THE
 5 FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER IN THE SAME
 6 MANNER AS GENERAL STATE AND COUNTY ELECTIONS ARE HELD; TO REPEAL
 7 SECTIONS 37-7-211 THROUGH 37-7-219, MISSISSIPPI CODE OF 1972,
 8 WHICH PROVIDE FOR THE CONDUCT OF ELECTIONS OF MUNICIPAL AND
 9 SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICT TRUSTEES; AND FOR
 10 RELATED PURPOSES.

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

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

14 37-7-209. All elections of trustees who are elected under
 15 the provisions of subsection (1) of Section 37-7-203 shall be held
 16 and conducted on the first Tuesday after the first Monday in
 17 November in the same manner as general state and county elections
 18 are held and conducted, as provided for in Sections 37-7-223
 19 through 37-7-229.

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

22 37-7-221. The election of consolidated or consolidated line
 23 school district trustees or municipal separate or special
 24 municipal separate school district trustees who are elected shall
 25 be held in the manner provided for in Sections 37-7-223 through
 26 37-7-229 rather than the method now provided by Sections 37-7-209
 27 through 37-7-219, or by Sections 37-7-211 through 37-7-219.

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

30 37-7-223. All elections of consolidated, consolidated line
 31 school district trustees, or municipal separate or special



32 municipal separate school district trustees shall be held on the
33 first Tuesday after the first Monday in November of each year in
34 the same manner as general state and county elections are held and
35 conducted.

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

38 37-7-225. The county election commissioners shall place the
39 name of any person eligible to hold the office of trustee on the
40 ballot used in the election, provided that such candidate shall
41 have filed with the county registrar, not more than ninety (90)
42 days and by 5:00 p.m. not less than sixty (60) days prior to the
43 date of such election, a petition of nomination signed by not less
44 than fifty (50) qualified electors of the school district or area
45 of the school district to be served by the trustee, as the case
46 may be. Where there are less than one hundred (100) qualified
47 electors in said district or area to be served, it shall only be
48 required that said petition of nomination be signed by at least
49 twenty percent (20%) of the qualified electors of such school
50 district or area. If such person be a candidate for an unexpired
51 term, he shall indicate the term for which he is a candidate in
52 such petition; otherwise he shall be deemed to be a candidate for
53 a full term.

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

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

61 37-7-229. For the purpose of holding such election, it shall
62 be the duty of the county election commissioners to prepare from
63 the records in the office of the county registrar a list of the
64 qualified electors of the school district or the area of the



65 school district in which such election is to be held who are
66 eligible to participate in such election. Such list shall be
67 furnished to the election managers in each precinct, together with
68 the ballots and other election supplies.

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

78 For each day spent in carrying out the provisions of Sections
79 37-7-225 through 37-7-229 the county election commissioners shall
80 be paid at the rate prescribed by law.

81 **SECTION 6.** Section 37-7-203, Mississippi Code of 1972, is
82 amended as follows:

83 37-7-203. (1) The boards of trustees of all municipal
84 separate school districts created under the provisions of Article
85 1 of this chapter, either with or without added territory, shall
86 consist of five (5) members, each to be chosen for a term of five
87 (5) years, but so chosen that the term of office of one (1) member
88 shall expire each year. In the event the added territory of a
89 municipal separate school district furnishes fifteen percent (15%)
90 or more of the pupils enrolled in the schools of such district,
91 then at least one (1) member of the board of trustees of such
92 school district shall be a resident of the added territory outside
93 the corporate limits. In the event the added territory of a
94 municipal separate school district furnishes thirty percent (30%)
95 or more of the pupils enrolled in the schools of such district,
96 then not more than two (2) members of the board of trustees of
97 such school district shall be residents of the added territory



98 outside the corporate limits. In the event the added territory of
99 a municipal separate school district in a county in which
100 Mississippi Highways 8 and 15 intersect furnishes thirty percent
101 (30%) or more of the pupils enrolled in the schools of such
102 district, then the five (5) members of the board of trustees of
103 such school district shall be elected at large from such school
104 district for a term of five (5) years each except that the two (2)
105 elected trustees presently serving on such board shall continue to
106 serve for their respective terms of office. The three (3)
107 appointed trustees presently serving on such board shall continue
108 to serve until their successors are elected in March of 1975 in
109 the manner provided for in Section 37-7-215. At such election,
110 one (1) trustee shall be elected for a term of two (2) years, one
111 (1) for a term of three (3) years and one (1) for a term of five
112 (5) years. Subsequent terms for each successor trustee shall be
113 for five (5) years. In the event one (1) of two (2) municipal
114 separate school districts located in any county with two (2)
115 judicial districts, District 1 being comprised of Supervisors
116 Districts 1, 2, 4 and 5, and District 2 being comprised of
117 Supervisors District 3, with added territory embraces three (3)
118 full supervisors districts of a county, one (1) trustee shall be
119 elected from each of the three (3) supervisors districts outside
120 the corporate limits of the municipality. In the further event
121 that the territory of a municipal separate school district located
122 in any county with two (2) judicial districts, District 1 being
123 comprised of Supervisors Districts 1, 2, 4 and 5, and District 2
124 being comprised of Supervisors District 3, with added territory
125 embraces four (4) full supervisors districts in the county, and in
126 any county in which a municipal separate school district embraces
127 the entire county in which Highways 14 and 15 intersect, one (1)
128 trustee shall be elected from each supervisors district.

129 Except as otherwise provided herein, the trustees of such a
130 municipal separate school district shall be elected by a majority



131 of the governing authorities of the municipality at the first
132 meeting of the governing authorities held in the month of February
133 of each year, and the term of office of the member so elected
134 shall commence on the first Saturday of March following. In the
135 case of a member of said board of trustees who is required to come
136 from the added territory outside the corporate limits as is above
137 provided, such member of the board of trustees shall be elected by
138 the qualified electors of the school district residing in such
139 added territory outside the corporate limits at the same time and
140 in the same manner as is provided for in Sections 37-7-223 through
141 37-7-229.

142 In the event that a portion of a county school district is
143 reconstituted, in the manner provided by law, into a municipal
144 separate school district with added territory and in the event
145 that the trustees to be elected from the added territory are
146 requested to be elected from separate election districts within
147 the added territory, instead of elected at large, by the Attorney
148 General of the United States as a result of and pursuant to
149 preclearance under Section 5 of the Voting Rights Act of 1965 as
150 amended and extended, and in the event the added territory of a
151 municipal separate school district of a municipality furnishes
152 thirty percent (30%) or more of the pupils enrolled in the schools
153 of such district, then two (2) members of the board of trustees
154 shall be residents of the added territory outside the corporate
155 limits of such municipality and shall be elected from special
156 trustee election districts by the qualified electors thereof as
157 herein provided. The board of trustees of the school district
158 shall apportion the added territory into two (2) special trustee
159 election districts as nearly as possible according to population
160 and other factors heretofore pronounced by the courts. The board
161 of trustees of the school district shall thereafter publish the
162 same in a newspaper of general circulation within said school
163 district for at least two (2) consecutive weeks; and after having



164 given notice of publication and recording the same upon the
165 minutes of the board of trustees of the school district, said new
166 district lines shall thereafter be effective. Any person elected
167 from the new trustee election districts constituted herein shall
168 be elected in the manner provided for in Sections 37-7-223 through
169 37-7-229 for a term of five (5) years. Any vacancy in the office
170 of a trustee elected from such trustee election district, whether
171 occasioned by redistricting or by other cause, shall be filled by
172 appointment of the governing authorities of the municipality,
173 provided that the person so appointed shall serve only until the
174 first Tuesday after the first Monday in November following his
175 appointment, at which time a person shall be elected for the
176 remainder of the unexpired term in the manner provided in Section
177 37-7-227.

178 In any county organizing a countywide municipal separate
179 school district after January 1, 1965, the trustees thereof to be
180 elected from outside the municipality, such trustees shall be
181 elected by the board of supervisors of such county, and the
182 superintendent of such school district shall have authority to pay
183 out and distribute the funds of said district. In the event a
184 municipal separate school district should occupy territory in a
185 county other than that in which the municipality is located and
186 fifteen percent (15%) or more of the pupils enrolled in the
187 schools of such district shall come from the territory of the
188 district in the county other than that in which the municipality
189 is located, the territory of such county in which the municipality
190 is not located shall be entitled to one (1) member on the board of
191 trustees of such school district. Said trustee shall be a
192 resident of the territory of that part of the district lying in
193 the county in which the municipality is not located and shall be
194 elected by the qualified electors of the territory of such county
195 at the same time and in the same manner as is provided for the
196 election of trustees of school districts other than municipal



197 separate school districts having territory in two (2) or more
198 counties.

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

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

214 (2) In counties of less than fifteen thousand (15,000)
215 people having a municipal separate school district with added
216 territory which embraces all the territory of a county, one (1) or
217 more trustees of such district shall be nominated from each
218 supervisors district upon petition of fifty (50) qualified
219 electors of said district, or twenty percent (20%) of the
220 qualified electors of such district, whichever number shall be
221 smaller, and shall be elected by a plurality of the vote of the
222 qualified electors of said county. One (1) trustee so elected
223 shall reside in each supervisors district of the county. In such
224 counties embraced entirely by a municipal separate school district
225 there shall be no county board of education after the formation of
226 such district and the county superintendent of education shall act
227 as superintendent of schools of said district and shall be
228 appointed by the board of trustees of said district, and the



229 provisions of subsection (1) of this section and the first
230 paragraph of Section 37-7-211 shall not apply to such districts.

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

235 **SECTION 8.** The Attorney General of the State of Mississippi
236 shall submit this act, immediately upon approval by the Governor,
237 or upon approval by the Legislature subsequent to a veto, to the
238 Attorney General of the United States or to the United States
239 District Court for the District of Columbia in accordance with the
240 provisions of the Voting Rights Act of 1965, as amended and
241 extended.

242 **SECTION 9.** This act shall take effect and be in force from
243 and after the date it is effectuated under Section 5 of the Voting
244 Rights Act of 1965, as amended and extended.

