

By: Representative Chism

To: Education; Apportionment
and Elections

HOUSE BILL NO. 516

1 AN ACT TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT THE MEMBERS OF THE BOARDS OF TRUSTEES OF MUNICIPAL
 3 SEPARATE SCHOOL DISTRICTS SHALL BE ELECTED FROM SPECIAL TRUSTEE
 4 ELECTION DISTRICTS BY THE QUALIFIED ELECTORS OF THOSE DISTRICTS;
 5 TO PROVIDE THAT THE ELECTION SHALL BE HELD EVERY FOUR YEARS IN THE
 6 SAME MANNER AND AT THE SAME TIME AS ELECTIONS ARE HELD FOR OTHER
 7 MUNICIPAL OFFICERS; TO AMEND SECTION 37-7-703, MISSISSIPPI CODE OF
 8 1972, TO PROVIDE THAT THE MEMBERS OF THE BOARDS OF TRUSTEES OF
 9 SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS THAT INCLUDE THE
 10 ENTIRE COUNTY SHALL BE ELECTED IN THE SAME MANNER AS TRUSTEES OF
 11 MUNICIPAL SEPARATE SCHOOL DISTRICTS AT THE SAME TIME AS GENERAL
 12 STATE AND COUNTY ELECTIONS ARE HELD; TO AMEND SECTION 37-7-713,
 13 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ELECTION OF MEMBERS
 14 OF THE BOARDS OF TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL
 15 DISTRICTS IN THE SAME MANNER AND AT THE SAME TIME AS MUNICIPAL
 16 ELECTIONS AND TO ESTABLISH A TERM OF FOUR YEARS FOR THAT OFFICE;
 17 TO REPEAL SECTIONS 37-7-204, 37-7-209 AND 37-7-213 THROUGH
 18 37-7-219, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS
 19 FOR ELECTING TRUSTEES OF MUNICIPAL SEPARATE SCHOOL DISTRICTS FROM
 20 ADDED TERRITORY; TO REPEAL SECTIONS 37-7-705, 37-7-707, 37-7-709,
 21 37-7-711, 37-7-715 AND 37-7-717, MISSISSIPPI CODE OF 1972, WHICH
 22 PROVIDE CERTAIN METHODS FOR SELECTING TRUSTEES OF SPECIAL
 23 MUNICIPAL SEPARATE SCHOOL DISTRICTS; AND FOR RELATED PURPOSES.

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

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

27 37-7-203. (1) The boards of trustees of all municipal
 28 separate school districts created under the provisions of Article
 29 1 of this chapter, either with or without added territory, shall
 30 consist of five (5) members. On the first Tuesday after the first
 31 Monday in June 2005, and every four (4) years thereafter, an
 32 election shall be held in each municipal separate school district
 33 in this state, in the same manner and at the same time as the
 34 regular municipal elections are held, for the purpose of electing
 35 the members of the boards of trustees established under the
 36 provisions of this article. All members of the boards of trustees
 37 as constituted in this section shall take office on the first

38 Monday of July following the date of their election and shall
39 serve for a term of four (4) years. The five (5) members of the
40 board of trustees shall be elected from trustee election districts
41 by the qualified electors of the district, as provided in this
42 section. The governing authorities of the municipality shall
43 apportion the municipal separate school district, including added
44 territory, into five (5) trustee election districts as nearly
45 equal as possible according to population, incumbency and other
46 factors pronounced by the courts before the effective date of
47 House Bill No. _____, 2004 Regular Session. The municipal
48 governing authorities shall place upon their minutes the
49 boundaries determined for the five (5) new trustee election
50 districts. The municipal governing authorities shall thereafter
51 publish the same in a newspaper having general circulation within
52 the school district for at least three (3) consecutive weeks; and
53 after having given notice of publication and recording the same
54 upon the minutes of the municipal governing authorities, the new
55 district lines shall be effective thereafter. The term of each
56 incumbent trustee serving on the date that House Bill No. _____,
57 2004 Regular Session, becomes effective that otherwise would
58 expire after the first Monday of July 2005, shall expire on the
59 first Monday of July 2005. Each incumbent trustee whose term
60 expires after the effective date of House Bill No. _____, 2004
61 Regular Session, but before the first Monday of July 2005, shall
62 continue to serve for the remainder of the unexpired term, at
63 which time the vacancy shall be filled in the manner provided by
64 subsection (2) of this section.

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

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

95 However, where only one (1) person has qualified with the
96 commissioners of election to be a candidate within the time
97 provided by law, the commissioners of election shall certify to
98 the municipal governing authorities that there is only one (1)
99 candidate. The municipal governing authorities shall dispense
100 with the election and shall appoint the certified candidate to
101 fill the unexpired term. The president of the municipal governing
102 authorities shall certify to the Secretary of State the candidate
103 so appointed to serve in the office and the Governor shall

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

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

114 37-7-703. The boards of trustees of all * * * special
115 municipal separate school districts which embrace the entire
116 county regardless of whether a majority of the inhabitants of the
117 county reside within or outside the corporate limits of the
118 municipality, shall consist of five (5) members. On the first
119 Tuesday after the first Monday in November 2007 and every four (4)
120 years thereafter, an election shall be held in the same manner and
121 at the same time as general state and county elections are held
122 and conducted, for the purpose of electing the members of the
123 boards of trustees in all special municipal separate school
124 districts that embrace the entire county. All members of the
125 boards of trustees of special municipal separate school districts
126 as constituted in this section shall take office on the first
127 Monday of January following the date of their election and shall
128 serve for a term of four (4) years. Vacancies in the membership
129 of the board of trustees of any special municipal separate school
130 district shall be filled in the manner provided in subsection (2)
131 of Section 37-7-203. The five (5) members of the board of
132 trustees shall be elected from trustee election districts by the
133 qualified electors of the district, as provided in this section.
134 The governing authorities of the municipality shall apportion the
135 municipal separate school district, including added territory,
136 into five (5) trustee election districts as nearly equal as

137 possible according to population, incumbency and other factors
138 pronounced by the courts before the effective date of House Bill
139 No. _____, 2004 Regular Session. The municipal governing
140 authorities shall place upon their minutes the boundaries
141 determined for the five (5) new trustee election districts. The
142 municipal governing authorities shall thereafter publish the same
143 in a newspaper having general circulation within the school
144 district for at least three (3) consecutive weeks; and after
145 having given notice of publication and recording the same upon the
146 minutes of the municipal governing authorities, the new district
147 lines shall be effective thereafter. The term of each incumbent
148 trustee serving on the date that House Bill No. _____, 2004 Regular
149 Session, becomes effective that otherwise would expire after the
150 first Monday of January 2008, shall expire on the first Monday of
151 January 2008. Each incumbent trustee whose term expires after the
152 first Monday of January 2005 but before the first Monday of
153 January 2008 shall continue to serve for the remainder of the
154 unexpired term, at which time the vacancy shall be filled in the
155 manner provided in subsection (2) of Section 37-7-203.

156 **SECTION 3.** Section 37-7-713, Mississippi Code of 1972, is
157 amended as follows:

158 37-7-713. (1) In all special municipal separate school
159 districts where the district embraces less than the entire area of
160 the county and where the majority of the educable children of such
161 district reside outside the limits of the municipality, * * *
162 the * * * special municipal separate school district shall be
163 governed by a board of trustees consisting of five (5) members, to
164 be elected by the qualified electors of such municipal separate
165 school district * * * in the manner provided by this section.
166 On the first Tuesday after the first Monday in June 2005, and
167 every four (4) years thereafter, an election shall be held in each
168 special municipal separate school district as constituted in this
169 section, in the same manner and at the same time as the regular

170 municipal elections are held and conducted, for the purpose of
171 electing the members of the boards of trustees established under
172 the provisions of this section. All members of the boards of
173 trustees as constituted in this section shall take office on the
174 first Monday of July following the date of their election and
175 shall serve for a term of four (4) years. The five (5) members of
176 the board of trustees shall be elected from trustee election
177 districts by the qualified electors of the district, as provided
178 in this section. The governing authorities of the municipality
179 shall apportion the special municipal separate school district
180 into five (5) special trustee election districts as nearly equal
181 as possible according to population, incumbency and other factors
182 pronounced by the courts before the effective date of House Bill
183 No. ____, 2004 Regular Session. The municipal governing
184 authorities shall place upon their minutes the boundaries
185 determined for the five (5) new trustee election districts. The
186 municipal governing authorities shall thereafter publish the same
187 in a newspaper having general circulation within the school
188 district for at least three (3) consecutive weeks; and after
189 having given notice of publication and recording the same upon the
190 minutes of the municipal governing authorities, the new district
191 lines shall be effective thereafter. The term of each incumbent
192 trustee serving on the date that House Bill No. ____, 2004 Regular
193 Session, becomes effective that otherwise would expire after the
194 first Monday of July 2005, shall expire on the first Monday of
195 July 2005. Each incumbent trustee whose term expires after the
196 effective date of House Bill No. ____, 2004 Regular Session, but
197 before the first Monday of July 2005, shall continue to serve for
198 the remainder of the unexpired term, at which time the vacancy
199 shall be filled in the manner provided by subsection (2) of
200 Section 37-7-203.

201 (2) Vacancies in the membership of the board of trustees of
202 any special municipal separate school district as constituted in

203 this section shall be filled in the manner provided by subsection
204 (2) of Section 37-7-203.

205 **SECTION 4.** Sections 37-7-204, 37-7-209, 37-7-213, 37-7-215,
206 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
207 certain methods for electing trustees of municipal separate school
208 districts from added territory, are repealed.

209 **SECTION 5.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,
210 37-7-715 and 37-7-717, Mississippi Code of 1972, which provide
211 certain methods for selecting trustees of special municipal
212 separate school districts, are repealed.

213 **SECTION 6.** The Attorney General of the State of Mississippi
214 shall submit this act, immediately upon approval by the Governor,
215 or upon approval by the Legislature subsequent to a veto, to the
216 Attorney General of the United States or to the United States
217 District Court for the District of Columbia in accordance with the
218 provisions of the Voting Rights Act of 1965, as amended and
219 extended.

220 **SECTION 7.** This act shall take effect and be in force from
221 and after July 1, 2004, or the date it is effectuated under
222 Section 5 of the Voting Rights Act of 1965, as amended and
223 extended, whichever is later.