

By: Representative Banks

To: Education

HOUSE BILL NO. 673

1 AN ACT TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE BOARDS OF EDUCATION
 3 IN A MUNICIPALITY HAVING A MAYOR-COUNCIL FORM OF GOVERNMENT AT THE
 4 SAME TIME AS THE GENERAL MUNICIPAL ELECTION AND TO ESTABLISH A
 5 TERM OF FOUR YEARS FOR THAT OFFICE; TO REQUIRE SUCH PERSONS
 6 SEEKING OFFICE OF ELECTED SCHOOL BOARD TRUSTEE TO COMPLY WITH THE
 7 STATE ELECTION CODE FOR CANDIDACY AND ELECTION; AND FOR RELATED
 8 PURPOSES.

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

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

12 37-7-203. (1) Except as otherwise provided in subsections
 13 (3) and (4) of this section, the boards of trustees of all
 14 municipal separate school districts created under this chapter,
 15 either with or without added territory, shall consist of five (5)
 16 members, each to be chosen for a term of five (5) years, but so
 17 chosen that the term of office of one (1) member shall expire each
 18 year. In the event the added territory of a municipal separate
 19 school district furnishes fifteen percent (15%) or more of the
 20 pupils enrolled in the schools of such district, then at least one
 21 (1) member of the board of trustees of such school district shall



22 be a resident of the added territory outside the corporate limits.
23 In the event the added territory of a municipal separate school
24 district furnishes thirty percent (30%) or more of the pupils
25 enrolled in the schools of such district, then not more than two
26 (2) members of the board of trustees of such school district shall
27 be residents of the added territory outside the corporate limits.
28 In the event the added territory of a municipal separate school
29 district in a county in which Mississippi Highways 8 and 15
30 intersect furnishes thirty percent (30%) or more of the pupils
31 enrolled in the schools of such district, then the five (5)
32 members of the board of trustees of such school district shall be
33 elected at large from such school district for a term of five (5)
34 years each except that the two (2) elected trustees presently
35 serving on such board shall continue to serve for their respective
36 terms of office. The three (3) appointed trustees presently
37 serving on such board shall continue to serve until their
38 successors are elected in March of 1975 in the manner provided for
39 in Section 37-7-215. At such election, one (1) trustee shall be
40 elected for a term of two (2) years, one (1) for a term of three
41 (3) years and one (1) for a term of five (5) years. Subsequent
42 terms for each successor trustee shall be for five (5) years. In
43 the event one (1) of two (2) municipal separate school districts
44 located in any county with two (2) judicial districts, District 1
45 being comprised of Supervisors Districts 1, 2, 4 and 5, and
46 District 2 being comprised of Supervisors District 3, with added



47 territory embraces three (3) full supervisors districts of a
48 county, one (1) trustee shall be elected from each of the three
49 (3) supervisors districts outside the corporate limits of the
50 municipality. In the further event that the territory of a
51 municipal separate school district located in any county with two
52 (2) judicial districts, District 1 being comprised of Supervisors
53 Districts 1, 2, 4 and 5, and District 2 being comprised of
54 Supervisors District 3, with added territory embraces four (4)
55 full supervisors districts in the county, and in any county in
56 which a municipal separate school district embraces the entire
57 county in which Highways 14 and 15 intersect, one (1) trustee
58 shall be elected from each supervisors district.

59 Except as otherwise provided herein, the trustees of such a
60 municipal separate school district shall be elected by a majority
61 of the governing authorities of the municipality at the first
62 meeting of the governing authorities held in the month of February
63 of each year, and the term of office of the member so elected
64 shall commence on the first Saturday of March following. In the
65 case of a member of the board of trustees who is required to come
66 from the added territory outside the corporate limits as is above
67 provided, such member of the board of trustees shall be elected by
68 the qualified electors of the school district residing in such
69 added territory outside the corporate limits at the same time and
70 in the same manner as is otherwise provided in this article for



71 the election of trustees of school districts other than municipal
72 separate school districts.

73 In the event that a portion of a county school district is
74 reconstituted, in the manner provided by law, into a municipal
75 separate school district with added territory and in the event
76 that the trustees to be elected from the added territory are
77 requested to be elected from separate election districts within
78 the added territory, instead of elected at large, by the Attorney
79 General of the United States as a result of and pursuant to
80 preclearance under Section 5 of the Voting Rights Act of 1965, as
81 amended and extended, and in the event the added territory of a
82 municipal separate school district of a municipality furnishes
83 thirty percent (30%) or more of the pupils enrolled in the schools
84 of such district, then two (2) members of the board of trustees
85 shall be residents of the added territory outside the corporate
86 limits of such municipality and shall be elected from special
87 trustee election districts by the qualified electors thereof as
88 herein provided. The board of trustees of the school district
89 shall apportion the added territory into two (2) special trustee
90 election districts as nearly as possible according to population
91 and other factors heretofore pronounced by the courts. The board
92 of trustees of the school district shall thereafter publish the
93 same in a newspaper of general circulation within that school
94 district for at least two (2) consecutive weeks; and after having
95 given notice of publication and recording the same upon the



96 minutes of the board of trustees of the school district, the new
97 district lines shall thereafter be effective. Any person elected
98 from the new trustee election districts constituted herein shall
99 be elected in the manner provided for in Section 37-7-215 for a
100 term of five (5) years. Any vacancy in the office of a trustee
101 elected from such trustee election district, whether occasioned by
102 redistricting or by other cause, shall be filled by appointment of
103 the governing authorities of the municipality, provided that the
104 person so appointed shall serve only until the next general
105 election following his appointment, at which time a person shall
106 be elected for the remainder of the unexpired term in the manner
107 provided in Section 37-7-215.

108 In any county organizing a countywide municipal separate
109 school district after January 1, 1965, the trustees thereof to be
110 elected from outside the municipality, such trustees shall be
111 elected by the board of supervisors of such county, and the
112 superintendent of such school district shall have authority to pay
113 out and distribute the funds of the district. In the event a
114 municipal separate school district should occupy territory in a
115 county other than that in which the municipality is located and
116 fifteen percent (15%) or more of the pupils enrolled in the
117 schools of such district shall come from the territory of the
118 district in the county other than that in which the municipality
119 is located, the territory of such county in which the municipality
120 is not located shall be entitled to one (1) member on the board of



121 trustees of such school district. The trustee shall be a resident
122 of the territory of that part of the district lying in the county
123 in which the municipality is not located and shall be elected by
124 the qualified electors of the territory of such county at the same
125 time and in the same manner as is provided for the election of
126 trustees of school districts other than municipal separate school
127 districts having territory in two (2) or more counties.

128 All vacancies shall be filled for the unexpired terms by
129 appointment of the governing authorities of the municipality;
130 except that in the case of the trustees coming from the added
131 territory outside the corporate limits, the person so appointed
132 shall serve only until the next general election following his
133 appointment, at which time a person shall be elected for the
134 remainder of the unexpired term in the manner otherwise provided
135 herein.

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

143 (2) In counties of less than fifteen thousand (15,000)
144 people having a municipal separate school district with added
145 territory which embraces all the territory of a county, one or



146 more trustees of the school district shall be nominated from each
147 supervisors district upon petition of fifty (50) qualified
148 electors of that supervisors district, or twenty percent (20%) of
149 the qualified electors of such district, whichever number shall be
150 smaller. One (1) trustee must be elected from each supervisors
151 district of the county. In such counties embraced entirely by a
152 municipal separate school district, there shall be no county board
153 of education after the formation of such district, and the county
154 superintendent of education shall act as superintendent of schools
155 of the district and shall be appointed by the board of trustees of
156 that district, and the provisions of subsection (1) of this
157 section and the first paragraph of Section 37-7-211 shall not
158 apply to such districts.

159 (3) In municipalities designated as having a mayor-council
160 form of government under Chapter 8, Title 21, Mississippi Code of
161 1972, and having a population in excess of one hundred thousand
162 (100,000) according to the 2000 federal decennial census, the
163 boards of trustees of the municipal separate school district
164 located in the municipality may, if authorized by ordinance of the
165 municipal governing authority, consist of seven (7) members
166 residing in each of the seven (7) wards in the municipality * * *.
167 One (1) board member must be elected from each ward in the
168 municipality and shall reside in the ward from which he is * * *
169 elected. On the first Tuesday after the first Monday of June 2019
170 and every four (4) years thereafter, members of the board shall be



171 elected in the same manner as general municipal elections are held
172 and conducted in the municipality and shall adhere to the
173 provisions of the state election code prescribed under Chapter 15,
174 Title 23, Mississippi Code of 1972. All members of the board of
175 trustees shall take office on the first Saturday of July following
176 the date of their election and shall serve for a term of four (4)
177 years. However, in order to provide for an orderly transition,
178 the term of each member of the board serving on the effective date
179 of House Bill No. 673, 2018 Regular Session, that otherwise would
180 expire before or after the first Saturday in July 2019, shall
181 expire on the first Saturday of July 2019.

182 (4) (a) Beginning in 2017, in any municipal separate school
183 district that is traversed by the Escatawpa River and in which
184 Interstate Highway 10 and Mississippi Highway 63 intersect, the
185 board of trustees of the municipal separate school district shall
186 consist of five (5) members, each to be elected for a term of four
187 (4) years in the manner provided in this subsection. Within
188 forty-five (45) days after July 1, 2017, the municipal governing
189 authority shall apportion the municipal separate school district,
190 including any added territory outside the corporate limits, into
191 five (5) special trustee election districts as nearly equal as
192 possible according to population, incumbency and other factors
193 pronounced by the courts before August 8, 2017. The municipal
194 governing authority shall place upon its minutes the boundaries
195 determined for the new five (5) trustee election districts and



196 shall publish the same in a newspaper of general circulation
197 within the school district for at least three (3) consecutive
198 weeks. After having given notice of publication and recording the
199 same upon the minutes of the municipal governing authority, the
200 new district lines shall be effective.

201 (b) On the first Tuesday after the first Monday in
202 November 2017, and every four (4) years thereafter, an election
203 shall be held in the municipal separate school district for local
204 school board members from trustee election districts 1, 3 and 5 in
205 the same manner and at the same time as the general municipal
206 election is held and conducted, for the purpose of electing the
207 board of trustees of the municipal separate school district. All
208 members of the board of trustees elected pursuant to this
209 paragraph (b) shall take office on the first Monday of January
210 immediately following the date of their election. However, in
211 order to provide for an orderly transition, the term of each
212 member of the board of trustees serving on July 1, 2017, which
213 otherwise would expire after the first Monday in July 2018, shall
214 expire on the first Monday of January 2018. If no individual
215 qualifies for the elective office of school district trustee, the
216 trustee for that specific trustee district shall be filled by
217 appointment of the municipal governing authority; however, the
218 person so appointed to fill the vacancy may serve only until the
219 first Monday in January 2019, at which time the trustee elected



220 pursuant to this subsection shall take office for the remainder of
221 the unexpired initial term.

222 From and after January 1, 2018, any vacancy on the board of
223 trustees shall be filled by appointment by the remaining members
224 of the board of trustees within sixty (60) days after the vacancy
225 occurs. The appointee must be selected from the qualified
226 electors of the trustee election district in which the vacancy
227 occurs. The appointee shall serve until the first Monday of
228 January succeeding the next general municipal election, at which
229 election a member from that trustee election district shall be
230 elected for a full term.

231 (c) On the first Tuesday after the first Monday in
232 November 2018, and every four (4) years thereafter, an election
233 shall be held in the municipal separate school district for local
234 school board members from trustee election districts 2 and 4 in
235 the same manner and at the same time as the Congressional mid-term
236 election is held and conducted, for the purpose of electing the
237 board of trustees of the municipal separate school district. All
238 members of the board of trustees elected pursuant to this
239 paragraph (c) shall take office on the first Monday of January
240 immediately following the date of their election. However, in
241 order to provide for an orderly transition, the term of each
242 member of the board of trustees serving on July 1, 2018, which
243 otherwise would expire after the first Monday in July 2018, shall
244 expire on the first Monday of January 2019. If no individual



245 qualifies for the elective office of school district trustee, the
246 trustee for that specific trustee district shall be filled by
247 appointment of the municipal governing authority; however, the
248 person so appointed to fill the vacancy may serve only until the
249 first Monday in January 2020, at which time the trustee elected
250 pursuant to this subsection shall take office for the remainder of
251 the unexpired initial term.

252 From and after July 1, 2020, any vacancy on the board of
253 trustees shall be filled by appointment by the remaining members
254 of the board of trustees within sixty (60) days after the vacancy
255 occurs. The appointee must be selected from the qualified
256 electors of the trustee election district in which the vacancy
257 occurs. The appointee shall serve until the first Monday of July
258 succeeding the next general municipal election, at which election
259 a member from that trustee election district shall be elected for
260 a full term.

261 **SECTION 2.** This act shall take effect and be in force from
262 and after July 1, 2018.

