

By: Senator(s) Dearing

To: Education

SENATE BILL NO. 2092

1 AN ACT TO AMEND SECTION 37-7-703, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE THE BOARD OF TRUSTEES OF THE NATCHEZ-ADAMS SPECIAL
 3 MUNICIPAL SEPARATE SCHOOL DISTRICT TO BE ELECTED; TO PROVIDE THAT
 4 THE NEW NATCHEZ-ADAMS COUNTY SCHOOL BOARD SHALL BE ELECTED FROM
 5 DISTRICTS THAT ARE THE SAME AS THE BOARD OF SUPERVISORS DISTRICTS;
 6 TO PROVIDE THAT THE ELECTION FOR THE SCHOOL BOARD SHALL BE A
 7 NONPARTISAN ELECTION; TO PRESCRIBE THE PROCEDURES TO BE USED IF A
 8 VACANCY OCCURS ON THE SCHOOL BOARD; TO PROVIDE THAT THE CANDIDATE
 9 WITH THE HIGHEST NUMBER OF VOTES SHALL BE DECLARED ELECTED; TO
 10 AMEND SECTIONS 23-15-193, 37-7-705, 37-7-707, 37-7-709, 37-7-711,
 11 37-7-713, 37-7-715 AND 37-7-717, MISSISSIPPI CODE OF 1972, IN
 12 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 37-7-703, Mississippi Code of 1972, is
 15 amended as follows:

16 37-7-703. (1) Except as otherwise provided in subsection
 17 (2) of this section, in all such special municipal separate school
 18 districts which embrace the entire county in which, according to
 19 the latest available federal census, a majority of the inhabitants
 20 of the county reside within the corporate limits of the
 21 municipality, the board of trustees of such special municipal
 22 separate school district shall be chosen and selected in the
 23 manner provided by subsection (1) of Section 37-7-203, and all of



24 the provisions thereof shall be fully applicable in all respects
25 to the selection and constitution of such board of trustees.

26 (2) (a) Notwithstanding any other provision of law to the
27 contrary, beginning at the election on the first Tuesday after the
28 first Monday in November 2019, the Board of Trustees of the
29 Natchez-Adams Special Municipal Separate School District shall be
30 elected in the manner prescribed in this section.

31 (b) On the first Tuesday after the first Monday in
32 November 2019, an election shall be held in the current
33 Natchez-Adams Special Municipal Separate School District for the
34 purpose of electing the members of the new Natchez-Adams County
35 School Board. All members of the Natchez-Adams County School
36 Board shall take office on January 2, 2020, and shall serve until
37 January 1, 2024. On the first Tuesday after the first Monday in
38 November 2019 and every four (4) years thereafter, the new
39 Natchez-Adams County School Board shall be elected for a term of
40 four (4) years. The five (5) members of the Natchez-Adams County
41 School Board shall be elected from five (5) special trustee
42 election districts, which shall be the same as the board of
43 supervisors districts, by the qualified electors of each district,
44 as provided in this subsection. All incumbent trustees holding
45 office on July 1, 2018, shall continue holding their respective
46 offices through December 31, 2019. Their successors shall be
47 elected from the new trustee election districts constituted in
48 this section in the manner provided for in this section.



49 (c) Candidates for the new Natchez-Adams County School
50 Board shall file their intent to be a candidate with the circuit
51 clerk no later than 5:00 p.m. on March 1, 2019, and no later than
52 5:00 p.m. on March 1 every four (4) years thereafter. The
53 candidates shall pay to the proper officials the sum of Fifteen
54 Dollars (\$15.00).

55 (3) (a) The Natchez-Adams County School Board members shall
56 be nonpartisan offices, and a candidate for election thereto is
57 prohibited from campaigning or qualifying for the office based on
58 party affiliation.

59 (b) The names of the candidates for the Natchez-Adams
60 County School Board which appear on the ballot at the November
61 election in 2019 and in the general election every four (4) years
62 thereafter shall be grouped together on a separate portion of the
63 ballot, clearly identified as a nonpartisan school board election.

64 (c) The names of all candidates for the Natchez-Adams
65 County School Board shall be listed in alphabetical order on any
66 ballot, and no reference to political party affiliation shall
67 appear on any ballot with respect to the nonpartisan school board
68 offices.

69 (4) If two (2) or more candidates qualify for the office of
70 Natchez-Adams County School Board in any district, the names of
71 those candidates shall be placed on the ballot. The candidate
72 with the highest number of votes shall be declared elected. Any
73 tie votes in the election which must be resolved in order to



74 determine who is elected shall be resolved in the manner
75 prescribed by Section 23-15-601.

76 (5) In any election for the Natchez-Adams County School
77 Board of this section, all qualified electors, regardless of party
78 affiliation or lack thereof, shall be qualified to vote for
79 candidates for nomination for school board.

80 (6) Vacancies in the membership of the Natchez-Adams County
81 School Board shall be filled by appointment, within sixty (60)
82 days after the vacancy occurs, by either the governing authorities
83 of the municipality or the board of supervisors of the county,
84 whichever has the higher number of students in the school district
85 from that school board member's district. The appointee shall be
86 selected from the qualified electors of the district in which the
87 vacancy occurs. The president of the municipal governing
88 authority or of the board of supervisors, as the case may be,
89 shall certify to the Secretary of State the fact of the
90 appointment, and the Governor shall commission the person
91 appointed. If the unexpired term is longer than six (6) months,
92 the appointee shall serve until a successor is elected at the next
93 special election, unless the vacancy occurs ninety (90) days
94 before the general election in a year in which an election would
95 normally be held for that office as provided by law, in which case
96 the person appointed shall serve the unexpired portion of the
97 term. The vacancies shall be filled for the unexpired term by the
98 qualified electors at the next regular special election day



99 occurring more than ninety (90) days after the occurrence of the
100 vacancy. The president of the municipal governing authority or of
101 the board of supervisors, as the case may be, within ten (10) days
102 after the happening of the vacancy, shall make an order, in
103 writing, directed to the commissioners of election, commanding an
104 election to be held on the next regular special election day to
105 fill the vacancy. The election commissioners shall require each
106 candidate to qualify at least sixty (60) days before the date of
107 the election, and shall give a certificate of election to the
108 person elected, and shall return to the Secretary of State a copy
109 of the order of holding the election and the results of the
110 election, certified by the president of the municipal governing
111 authority or of the board of supervisors, as the case may be. The
112 election shall be held in the manner provided for in this section.
113 The Governor shall commission the person elected.

114 However, where only one (1) person has qualified with the
115 commissioners of election to be a candidate within the time
116 provided by law, the commissioners of election shall certify to
117 the municipal governing authority or the board of supervisors, as
118 the case may be, that there is but one (1) candidate. The
119 municipal governing authority or the board of supervisors, as the
120 case may be, shall dispense with the election and shall appoint
121 the certified candidate to fill the unexpired term. The president
122 of the municipal governing authority or of the board of
123 supervisors, as the case may be, shall certify to the Secretary of



124 State the candidate so appointed to serve in the office, and the
125 Governor shall commission the candidate. If no person has
126 qualified at least sixty (60) days before the date of the
127 election, the commissioners of election shall certify that fact to
128 the municipal governing authority or the board of supervisors, as
129 the case may be, which shall dispense with the election and fill
130 the vacancy by appointment. The president of the municipal
131 governing authority or the board of supervisors, as the case may
132 be, shall certify to the Secretary of State the fact of the
133 appointment, and the Governor shall commission the appointed
134 person.

135 **SECTION 2.** Section 23-15-193, Mississippi Code of 1972, is
136 amended as follows:

137 23-15-193. At the election in 1995, and every four (4) years
138 thereafter, there shall be elected a Governor, Lieutenant
139 Governor, Secretary of State, Auditor of Public Accounts, State
140 Treasurer, Attorney General, three (3) Public Service
141 Commissioners, three (3) Mississippi Transportation Commissioners,
142 Commissioner of Insurance, Commissioner of Agriculture and
143 Commerce, Senators and members of the House of Representatives in
144 the Legislature, district attorneys for the several districts,
145 clerks of the circuit and chancery courts of the several counties,
146 as well as sheriffs, coroners, assessors, surveyors and members of
147 the boards of supervisors, justice court judges * * *, constables,
148 and the board of trustees of any special municipal school district



149 described in Section 37-7-703(2)(a), all other officers to be
150 elected by the people at the general state election. All such
151 officers shall hold their offices for a term of four (4) years,
152 and until their successors are elected and qualified. The state
153 officers shall be elected in the manner prescribed in Section 140
154 of the Constitution.

155 **SECTION 3.** Section 37-7-705, Mississippi Code of 1972, is
156 amended as follows:

157 37-7-705. Except as provided in Section 37-7-703(2), in all
158 such special municipal separate school districts which may be so
159 organized, reorganized or reconstituted to embrace the entire
160 county in which the majority of the inhabitants of the county
161 reside outside the corporate limits of the municipality, the board
162 of trustees of such district shall be constituted in accordance
163 with the provisions of Sections 37-7-707 through 37-7-711, unless
164 the governing authorities of the municipality and of the county
165 shall have provided for one (1) of the alternative methods of
166 organization as provided by Sections 37-7-715 and 37-7-717.

167 **SECTION 4.** Section 37-7-707, Mississippi Code of 1972, is
168 amended as follows:

169 37-7-707. Except as provided in Section 37-7-703(2), in all
170 such special municipal separate school districts which may be so
171 organized, reorganized or reconstituted to embrace the entire
172 county in which the majority of the inhabitants of the county
173 reside outside the corporate limits of the municipality, the board



174 of trustees of such district shall be composed of five (5)
175 members, one (1) of whom shall be a resident qualified elector of
176 each supervisors district of the county. Said trustees shall be
177 elected from the county at large by the qualified electors of the
178 county at the first regular general election following the
179 approval by the State Educational Finance Commission of the
180 organization of such district. Such trustees shall take office on
181 the first Monday of January following their election.

182 At such election the members of the said board from
183 supervisors Districts One and Five shall be elected for a term of
184 six (6) years, the members from Districts Three and Four shall be
185 elected for a term of four (4) years, and the members from
186 District Two shall be elected for a term of two (2) years.
187 Thereafter, members shall be elected at regular general elections
188 as vacancies occur for terms of six (6) years each and shall take
189 office on the first Monday of January after their election.

190 **SECTION 5.** Section 37-7-709, Mississippi Code of 1972, is
191 amended as follows:

192 37-7-709. Except as provided in Section 37-7-703(2), in all
193 such special municipal separate school districts which may be so
194 organized, reorganized or reconstituted to embrace the entire
195 county in which the majority of the inhabitants of the county
196 reside outside the corporate limits of the municipality, all
197 vacancies which may occur during the term of office shall be
198 filled by appointment by the remaining members of the board of



199 trustees, such appointee to have the same qualifications as other
200 members of the board and to reside in the same supervisors
201 district as the former member whose death, removal or resignation
202 caused the vacancy. Such appointment shall be made within thirty
203 (30) days after the vacancy occurs. The person so appointed shall
204 serve only until the first Monday of January following the next
205 regular general election after such appointment and, at the
206 regular general election next preceding such first Monday in
207 January, a person shall be elected for the remainder of the
208 unexpired term at the same time and in the same manner as a
209 trustee is elected for the full term next expiring, and such
210 person shall take office on said first Monday of January.

211 **SECTION 6.** Section 37-7-711, Mississippi Code of 1972, is
212 amended as follows:

213 37-7-711. Except as provided in Section 37-7-703(2), in all
214 such special municipal separate school districts which may be so
215 organized, reorganized or reconstituted to embrace the entire
216 county in which the majority of the inhabitants of the county
217 reside outside the corporate limits of the municipality, the name
218 of any qualified elector who is a candidate for the board of
219 trustees of such special municipal separate school district,
220 whether such person be a candidate for an unexpired term or for a
221 full term, shall be placed on the ballot used in the elections,
222 provided that the candidate files with the county election
223 commissioners, not more than ninety (90) days and not less than



224 sixty (60) days prior to the date of such general election, a
225 petition of nomination signed by not less than fifty (50)
226 qualified electors of the county. Where there are less than one
227 hundred (100) qualified electors in said area represented by the
228 trustee, it shall only be required that said petition of
229 nomination be signed by at least twenty percent (20%) of the
230 qualified electors in said area. Provided, however, that in any
231 such special municipal separate school district which embraces the
232 entire county and which borders the Mississippi River and in which
233 Interstate Highway 20 and United States Highway 61 intersect and
234 having a population in excess of forty-seven thousand (47,000)
235 according to the 1990 federal decennial census, the candidate
236 shall be required to file a petition of nomination with the county
237 election commissioners not less than sixty (60) days prior to the
238 date of such general election, in addition to the other
239 requirements prescribed herein.

240 The candidate in each election who receives the highest
241 number of votes cast in the election shall be declared to have
242 been elected.

243 **SECTION 7.** Section 37-7-713, Mississippi Code of 1972, is
244 amended as follows:

245 37-7-713. Except as provided in Section 37-7-703(2), in all
246 special municipal separate school districts where the district
247 embraces less than the entire area of the county and where the
248 majority of the educable children of such district reside outside



249 the limits of the municipality, unless the governing authorities
250 of the municipality and the county provide for one (1) of the
251 alternative methods of organization as set out in Sections
252 37-7-715 and 37-7-717, the said special municipal separate school
253 district shall be governed by a board of trustees consisting of
254 five (5) members, to be elected by the qualified electors of such
255 municipal separate school district from the district at large in
256 the manner provided by Sections 37-7-209 through 37-7-219, and all
257 duties imposed upon the county superintendent of education by said
258 sections with reference to such elections shall be imposed upon
259 and performed by the superintendent of the municipal separate
260 school district. However, the first board of trustees of such
261 special municipal separate school district shall be appointed in
262 the following manner. The governing authorities of the
263 municipality shall appoint three (3) trustees, and such
264 appointments shall be made so that one (1) trustee shall be
265 appointed to serve until the first Saturday of March following
266 such appointment, one (1) for two (2) years longer, and one (1)
267 for four (4) years longer. The board of education of the county
268 shall appoint two (2) trustees, such appointments to be made so
269 that one (1) trustee shall be appointed to serve until the first
270 Saturday of March of the second year following such appointment,
271 and one (1) trustee for two (2) years longer. After such original
272 appointments the trustees of such a special municipal separate
273 school district shall be elected for a term of five (5) years, as



274 herein provided. All such members of said board of trustees shall
275 be residents and qualified electors of such school district. All
276 vacancies which may occur during a term of office shall be filled
277 by appointment by the remaining members of the board of trustees,
278 such appointee to have the same qualifications as other members of
279 the board. Such appointment shall be made within thirty (30) days
280 after the vacancy occurs. The person so appointed shall serve
281 only until his successor shall have qualified. The successor to
282 serve the remainder of the unexpired term shall be elected on the
283 first Saturday of March next following the occurrence of such
284 vacancy in the same manner as provided for by Sections 37-7-209
285 through 37-7-219.

286 **SECTION 8.** Section 37-7-715, Mississippi Code of 1972, is
287 amended as follows:

288 37-7-715. Except as provided in Section 37-7-703(2), upon
289 the organization, reorganization or reconstitution of any special
290 municipal separate school district, the board of supervisors of
291 the county wherein such special municipal separate school district
292 is located and the governing authorities of the municipality may,
293 by an order spread upon their minutes within sixty (60) days after
294 such organization, reorganization or reconstitution shall have
295 become final, expressing an agreement between both such governing
296 authorities, choose to constitute the board of such special
297 municipal separate school district under one (1) of the optional
298 methods of organization set out in Section 37-7-717. In the event



299 that both the governing authorities hereinabove referred to shall
300 enter such an order within said period, then the said board of
301 trustees shall be thereafter constituted and selected according to
302 the terms of such agreement, provided such agreement is in
303 conformity with the terms of Section 37-7-717. It is further
304 expressly provided that irregularities of a procedural nature in
305 the adoption of such orders shall not affect the validity of the
306 same or the validity of any acts of the board of trustees which
307 may be constituted by virtue thereof.

308 **SECTION 9.** Section 37-7-717, Mississippi Code of 1972, is
309 amended as follows:

310 37-7-717. Except as provided in Section 37-7-703(2), upon
311 complying with the terms and provisions of Section 37-7-715,
312 hereof, the board of supervisors of any county wherein there is a
313 special municipal separate school district and the governing
314 authorities of the municipality may provide that the board of
315 trustees of such special municipal separate school district shall
316 be organized and constituted in one (1) of the following manners:

317 (a) The said board may consist of five (5) members, all
318 of whom shall be bona fide residents of and qualified electors of
319 such school districts and who shall be appointed by either the
320 board of supervisors, the governing authorities of the
321 municipality, or by both of said bodies in such proportion as the
322 governing bodies may agree upon. The first such board shall be
323 appointed so that one (1) trustee shall be appointed to serve for



324 one (1) year, one (1) for one (1) year longer, one (1) for two (2)
325 years longer, one (1) for three (3) years longer, and one (1) for
326 four (4) years longer. Upon the expiration of each such original
327 term, each appointment shall be for five (5) years and shall be
328 made by the authority making the original appointment. In case of
329 the occurrence of a vacancy, the authority which made the
330 appointment of the trustee responsible for such vacancy shall
331 appoint a successor to serve the remainder of the term of such
332 trustee.

333 (b) In case of a special municipal separate school
334 district which embraces the entire county, the board of trustees
335 may be constituted and selected in accordance with the terms and
336 provisions of Sections 37-7-707 through 37-7-711, with the
337 exception that one (1) member of such board shall be elected by
338 each supervisors district and shall be a resident and qualified
339 elector of the district from which he is elected.

340 (c) In case of a special municipal separate school
341 district embracing the entire county, the board of trustees may be
342 constituted and selected in accordance with the terms and
343 provisions of Section 37-7-713.

344 **SECTION 10.** This act shall take effect and be in force from
345 and after July 1, 2019.

