

By: Representative Eads

To: Education; Apportionment
and Elections

HOUSE BILL NO. 266

1 AN ACT TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT THE TRUSTEES OF MUNICIPAL SEPARATE SCHOOL
 3 DISTRICTS SHALL BE ELECTED FROM SPECIAL TRUSTEE ELECTION DISTRICTS
 4 BY THE QUALIFIED ELECTORS OF SUCH DISTRICTS; TO PROVIDE THAT SUCH
 5 ELECTION SHALL BE HELD EVERY FOUR YEARS IN THE SAME MANNER AS
 6 ELECTIONS ARE HELD FOR OTHER MUNICIPAL OFFICERS; TO AMEND SECTION
 7 37-7-703, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TRUSTEES
 8 OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS SHALL BE ELECTED IN
 9 THE SAME MANNER AS TRUSTEES OF MUNICIPAL SEPARATE SCHOOL
 10 DISTRICTS; TO REPEAL SECTIONS 37-7-705 THROUGH 37-7-717,
 11 MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS FOR
 12 SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS;
 13 TO REPEAL SECTIONS 37-7-209 THROUGH 37-7-219, MISSISSIPPI CODE OF
 14 1972, WHICH PROVIDE CERTAIN METHODS FOR ELECTING TRUSTEES OF
 15 MUNICIPAL SEPARATE SCHOOL DISTRICTS FROM ADDED TERRITORY; TO AMEND
 16 SECTION 37-9-13, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
 17 APPOINTMENT OF ALL SUPERINTENDENTS OF SCHOOLS FROM AND AFTER
 18 JANUARY 1, 2004; TO AMEND SECTION 37-9-25, MISSISSIPPI CODE OF
 19 1972, IN CONFORMITY THERETO; TO REPEAL SECTION 37-9-12,
 20 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM ON THE
 21 QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE COUNTY
 22 SUPERINTENDENT OF EDUCATION; TO REPEAL, FROM AND AFTER JANUARY 1,
 23 2003, SECTIONS 37-5-61 THROUGH 37-5-75, MISSISSIPPI CODE OF 1972,
 24 WHICH PROVIDE FOR THE ELECTION OF COUNTY SUPERINTENDENTS OF
 25 EDUCATION; TO AMEND SECTION 23-15-297, MISSISSIPPI CODE OF 1972,
 26 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

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



40 as constituted in this section shall take office on the first
41 Monday of July following the date of their election and shall
42 serve for a term of four (4) years. The five (5) members of the
43 board of trustees of the school district shall be elected from
44 special trustee election districts by the qualified electors of
45 the district, as provided in this section. The governing
46 authorities of the municipality shall apportion the municipal
47 separate school district, including added territory, into five (5)
48 special trustee election districts as nearly equal as possible
49 according to population, incumbency and other factors pronounced
50 by the courts before the effective date of this act. The
51 municipal governing authority shall place upon its minutes the
52 boundaries determined for the new five (5) trustee election
53 districts. The municipal governing authority shall thereafter
54 publish the same in a newspaper of general circulation within the
55 school district for at least three (3) consecutive weeks; and
56 after having given notice of publication and recording the same
57 upon the minutes of the municipal governing authority, the new
58 district lines shall thereafter be effective. All incumbent
59 trustees holding office at the time of the creation of the trustee
60 election districts shall continue holding their respective
61 offices, provided they reside within the new district, for the
62 remainder of the term of office to which they have been selected
63 before the effective date of this act, and their successors shall
64 be elected from the new trustee election districts constituted in
65 this section in the manner provided for in this section.

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



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

96 However, where only one (1) person has qualified with the
97 commissioners of election to be a candidate within the time
98 provided by law, the commissioners of election shall certify to
99 the municipal governing authority that there is but one (1)
100 candidate. The municipal governing authority shall dispense with
101 the election and shall appoint the certified candidate to fill the
102 unexpired term. The president of the municipal governing
103 authority shall certify to the Secretary of State the candidate so
104 appointed to serve in the office and the Governor shall commission
105 the candidate. If no person has qualified at least sixty (60)



106 days before the date of the election, the commissioners of
107 election shall certify that fact to the municipal governing
108 authority, which shall dispense with the election and fill the
109 vacancy by appointment. The president of the municipal governing
110 authority shall certify to the Secretary of State the fact of the
111 appointment, and the Governor shall commission the appointed
112 person.

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

115 37-7-703. In all * * * special municipal separate school
116 districts, * * * the board of trustees of such special municipal
117 separate school district shall be elected in the manner provided
118 by subsection (1) of Section 37-7-203, and all of the provisions
119 thereof shall be fully applicable in all respects to the selection
120 and constitution of such board of trustees.

121 **SECTION 3.** Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,
122 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
123 certain methods for electing trustees of municipal separate school
124 districts from added territory, are repealed.

125 **SECTION 4.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,
126 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which
127 provide certain methods for selecting trustees of special
128 municipal separate school districts, are repealed.

129 **SECTION 5.** Section 37-9-13, Mississippi Code of 1972, is
130 amended as follows:

131 37-9-13. (1) From and after January 1, 2004, in all public
132 school districts, the school board, on or before January 15 of
133 each year, shall appoint the superintendent of schools of the
134 district, except in those cases where the superintendent has been
135 selected previously and has a contract which is valid for the
136 ensuing scholastic year.

137 (2) * * * No person shall be eligible to the office of
138 superintendent of schools unless such person shall hold a valid



139 Class AA administrator's certificate issued by the State
140 Department of Education and shall have had not less than four (4)
141 years of classroom or administrative experience.

142 **SECTION 6.** Section 37-9-25, Mississippi Code of 1972, is
143 amended as follows:

144 37-9-25. The school board shall have the power and
145 authority, in its discretion, to employ the superintendent * * *
146 for not exceeding four (4) scholastic years and the principals or
147 licensed employees for not exceeding three (3) scholastic years.
148 In such case, contracts shall be entered into with such
149 superintendents, principals and licensed employees for the number
150 of years for which they have been employed. All such contracts
151 with licensed employees shall for the years after the first year
152 thereof be subject to the contingency that the licensed employee
153 may be released if, during the life of the contract, the average
154 daily attendance should decrease from that existing during the
155 previous year and thus necessitate a reduction in the number of
156 licensed employees during any year after the first year of the
157 contract. However, in all such cases the licensed employee must
158 be released before July 1 or at least thirty (30) days prior to
159 the beginning of the school term, whichever date should occur
160 earlier. The salary to be paid for the years after the first year
161 of such contract shall be subject to revision, either upward or
162 downward, in the event of an increase or decrease in the funds
163 available for the payment thereof, but, unless such salary is
164 revised prior to the beginning of a school year, it shall remain
165 for such school year at the amount fixed in such contract.
166 However, where school district funds, other than minimum education
167 program funds, are available during the school year in excess of
168 the amount anticipated at the beginning of the school year the
169 salary to be paid for such year may be increased to the extent
170 that such additional funds are available and nothing herein shall
171 be construed to prohibit same.



172 **SECTION 7.** Section 37-9-12, Mississippi Code of 1972, which
173 provides for a referendum on the question of retaining the
174 elective method of choosing the county superintendent of
175 education, is repealed.

176 **SECTION 8.** Sections 37-5-61, 37-5-63, 37-5-65, 37-5-67,
177 37-5-69, 37-5-71 and 37-5-75, Mississippi Code of 1972, which
178 provide for the election of county superintendents of education,
179 are repealed from and after January 1, 2003.

180 **SECTION 9.** Section 23-15-297, Mississippi Code of 1972, is
181 amended as follows:

182 23-15-297. All candidates upon entering the race for party
183 nominations for office shall first pay to the proper officer as
184 provided for in Section 23-15-299 for each primary election the
185 following amounts:

186 (a) Candidates for Governor not to exceed Three Hundred
187 Dollars (\$300.00).

188 (b) Candidates for Lieutenant Governor, Attorney
189 General, Secretary of State, State Treasurer, Auditor of Public
190 Accounts, Commissioner of Insurance, Commissioner of Agriculture
191 and Commerce, State Highway Commissioner and State Public Service
192 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

193 (c) Candidates for district attorney, not to exceed One
194 Hundred Dollars (\$100.00).

195 (d) Candidates for State Senator, State Representative,
196 sheriff, chancery clerk, circuit clerk, tax assessor, tax
197 collector, county attorney * * * and board of supervisors, not to
198 exceed Fifteen Dollars (\$15.00).

199 (e) Candidates for county surveyor, county coroner,
200 justice court judge and constable, not to exceed Ten Dollars
201 (\$10.00).

202 (f) Candidates for United States Senator, not to exceed
203 Three Hundred Dollars (\$300.00).



204 (g) Candidates for United States Representative, not to
205 exceed Two Hundred Dollars (\$200.00).

206 **SECTION 10.** The Attorney General of the State of Mississippi
207 shall submit this act, immediately upon approval by the Governor,
208 or upon approval by the Legislature subsequent to a veto, to the
209 Attorney General of the United States or to the United States
210 District Court for the District of Columbia in accordance with the
211 provisions of the Voting Rights Act of 1965, as amended and
212 extended.

213 **SECTION 11.** Sections 1 through 4 of this act shall take
214 effect and be in force from and after January 1, 2005, or the date
215 they are effectuated under Section 5 of the Voting Rights Act of
216 1965, as amended and extended, whichever is later. Sections 5
217 through 9 of this act shall take effect and be in force from and
218 after January 1, 2003, or the date they are effectuated under
219 Section 5 of the Voting Rights Act of 1965, as amended and
220 extended, whichever is later.

