

By: Representative Chism

To: Education; Apportionment
and Elections

HOUSE BILL NO. 370

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; AND FOR
 16 RELATED PURPOSES.

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

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

20 37-7-203. (1) The boards of trustees of all municipal
 21 separate school districts created under the provisions of Article
 22 1 of this chapter, either with or without added territory, shall
 23 consist of five (5) members. On the first Tuesday after the first
 24 Monday in June 2005, and every four (4) years thereafter, an
 25 election shall be held in each municipal separate school district
 26 in this state, in the same manner and at the same time as the
 27 regular municipal elections are held, for the purpose of electing
 28 the members of the boards of trustees established under the
 29 provisions of this article. All members of the boards of trustees
 30 as constituted in this section shall take office on the first
 31 Monday of July following the date of their election and shall
 32 serve for a term of four (4) years. The five (5) members of the
 33 board of trustees of the school district shall be elected from
 34 special trustee election districts by the qualified electors of



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

56 (2) Vacancies in the membership of the board of trustees of
57 any municipal separate school district shall be filled by
58 appointment, within sixty (60) days after the vacancy occurs, by
59 the governing authorities of the municipality. The appointee
60 shall be selected from the qualified electors of the district in
61 which the vacancy occurs. The president of the municipal
62 governing authority shall certify to the Secretary of State the
63 fact of the appointment, and the Governor shall commission the
64 person appointed; and if the unexpired term is longer than six (6)
65 months, the appointee shall serve until a successor is elected as
66 provided in this section, unless the vacancy occurs ninety (90)
67 days before the general election in a year in which an election



68 would normally be held for that office as provided by law, in
69 which case the person appointed shall serve the unexpired portion
70 of the term. The vacancies shall be filled for the unexpired term
71 by the qualified electors at the next regular special election day
72 occurring more than ninety (90) days after the occurrence of the
73 vacancy. The president of the municipal governing authority,
74 within ten (10) days after the happening of the vacancy, shall
75 make an order, in writing, directed to the commissioners of
76 election, commanding an election to be held on the next regular
77 special election day to fill the vacancy. The election
78 commissioners shall require each candidate to qualify at least
79 sixty (60) days before the date of the election, and shall give a
80 certificate of election to the person elected, and shall return to
81 the Secretary of State a copy of the order of holding the election
82 and the results of the election, certified by the president of the
83 municipal governing authority. The election shall be held in the
84 same manner provided for other municipal office vacancies. The
85 Governor shall commission the person elected.

86 However, where only one (1) person has qualified with the
87 commissioners of election to be a candidate within the time
88 provided by law, the commissioners of election shall certify to
89 the municipal governing authority that there is but one (1)
90 candidate. The municipal governing authority shall dispense with
91 the election and shall appoint the certified candidate to fill the
92 unexpired term. The president of the municipal governing
93 authority shall certify to the Secretary of State the candidate so
94 appointed to serve in the office and the Governor shall commission
95 the candidate. If no person has qualified at least sixty (60)
96 days before the date of the election, the commissioners of
97 election shall certify that fact to the municipal governing
98 authority, which shall dispense with the election and fill the
99 vacancy by appointment. The president of the municipal governing
100 authority shall certify to the Secretary of State the fact of the



101 appointment, and the Governor shall commission the appointed
102 person.

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

105 37-7-703. In all * * * special municipal separate school
106 districts, * * * the board of trustees of such special municipal
107 separate school district shall be elected in the manner provided
108 by subsection (1) of Section 37-7-203, and all of the provisions
109 thereof shall be fully applicable in all respects to the selection
110 and constitution of such board of trustees.

111 **SECTION 3.** Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,
112 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
113 certain methods for electing trustees of municipal separate school
114 districts from added territory, are repealed.

115 **SECTION 4.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,
116 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which
117 provide certain methods for selecting trustees of special
118 municipal separate school districts, are repealed.

119 **SECTION 5.** The Attorney General of the State of Mississippi
120 shall submit this act, immediately upon approval by the Governor,
121 or upon approval by the Legislature subsequent to a veto, to the
122 Attorney General of the United States or to the United States
123 District Court for the District of Columbia in accordance with the
124 provisions of the Voting Rights Act of 1965, as amended and
125 extended.

126 **SECTION 6.** This act shall take effect and be in force from
127 and after January 1, 2005, or the date it is effectuated under
128 Section 5 of the Voting Rights Act of 1965, as amended and
129 extended, whichever is later.

