

By: Senator(s) Nunnelee

To: Education

SENATE BILL NO. 2061

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 DISTRICT; 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 37-7-209 THROUGH 37-7-219,  
 11 MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS FOR  
 12 ELECTING TRUSTEES OF MUNICIPAL SEPARATE SCHOOL DISTRICTS FROM  
 13 ADDED TERRITORY; TO REPEAL SECTIONS 37-7-705 THROUGH 37-7-717,  
 14 MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS FOR  
 15 SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS;  
 16 AND FOR 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  
 24 first 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 herein constituted shall take office on the first Monday of  
 31 July following the date of their election and shall serve for a  
 32 term of four (4) years. The five (5) members of the board of  
 33 trustees of such school district shall be elected from special  
 34 trustee election districts by the qualified electors thereof, as

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

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

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

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

101 authority shall certify to the Secretary of State the fact of the  
102 appointment, and the person so appointed shall be commissioned by  
103 the Governor.

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

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

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

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

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

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