

By: Representative Moore (60th)

To: Education; Apportionment and Elections

HOUSE BILL NO. 389

1 AN ACT TO AMEND SECTION 37-5-7, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR THE ELECTION OF MEMBERS OF THE COUNTY BOARDS OF
3 EDUCATION AT THE SAME TIME AS GENERAL STATE AND COUNTY ELECTIONS
4 AND TO ESTABLISH A TERM OF FOUR YEARS FOR SUCH OFFICE; TO AMEND
5 SECTIONS 37-7-207, 37-7-707 AND 37-7-713, MISSISSIPPI CODE OF
6 1972, TO PROVIDE FOR THE ELECTION OF MEMBERS OF ELECTED SCHOOL
7 BOARDS OF CONSOLIDATED SCHOOL DISTRICTS, LINE CONSOLIDATED SCHOOL
8 DISTRICTS AND SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS AT THE
9 SAME TIME FOR A TERM OF FOUR YEARS; AND FOR RELATED PURPOSES.

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

11 SECTION 1. Section 37-5-7, Mississippi Code of 1972, is
12 amended as follows:

13 37-5-7. (1) On the first Tuesday after the first Monday in
14 November 2003 and every four (4) years thereafter, an election
15 shall be held in each county in this state in the same manner and
16 at the same time as general state and county elections are held
17 and conducted, which election shall be held for the purpose of
18 electing the county boards of education established under the
19 provisions of this chapter. * * * All members of the county board
20 of education * * * shall take office on the first Monday of
21 January following the date of their election and shall serve for a
22 term of four (4) years. However, in order to provide for an
23 orderly transition, each member of the board serving on the date
24 House Bill No. _____, 2001 Regular Session, becomes effective and
25 whose term expires after the first Monday of January 2004 shall
26 continue to serve for the remainder of the unexpired term, at
27 which time the vacancy shall be filled in the manner provided in
28 Section 37-5-19.

29 (2) On the first Tuesday after the first Monday in November
30 2003 and every four (4) years thereafter, * * * in * * * any



31 county * * * electing to utilize the authority contained in
32 Section 37-5-1(2), an election shall be held * * * for the purpose
33 of electing the county board of education in such county. At the
34 election the members of the * * * county board of education * * *
35 shall be elected for a term of four (4) years. However, in order
36 to provide for an orderly transition, each member of such boards
37 serving on the date House Bill No. _____, 2001 Regular Session,
38 becomes effective and whose term expires after the first Monday of
39 January 2004 shall continue to serve for the remainder of the
40 unexpired term, at which time the vacancy shall be filled in the
41 manner provided in Section 37-5-19. All members of the county
42 board of education shall take office on the first Monday of
43 January following the date of their election.

44 SECTION 2. Section 37-7-207, Mississippi Code of 1972, is
45 amended as follows:

46 **[Until such time as Section 1 of Laws, 1990, Chapter 567, is**
47 **effectuated under Section 5 of the Voting Rights Act of 1965, as**
48 **amended and extended, this section will read as follows:]**

49 37-7-207. (1) All school districts reconstituted or created
50 under the provisions of Article 3 of this chapter, and which lie
51 wholly within one (1) county, but not including municipal separate
52 and countywide districts, shall be governed by a board of five (5)
53 trustees. The first board of trustees of such districts shall be
54 appointed by the county board of education, and the original
55 appointments shall be so made that one (1) trustee shall be
56 appointed to serve until the first Saturday of March following
57 such appointments, one (1) for one (1) year longer, one (1) for
58 two (2) years longer, one (1) for three (3) years longer, and one
59 (1) for four (4) years longer. After such original appointments,
60 the trustees of such school districts shall be elected by the
61 qualified electors of such school districts in the manner provided
62 for in Sections 37-7-223 through 37-7-229, with each trustee to be
63 elected for a term of four (4) years. The five (5) members of the



64 board of trustees of such consolidated school district shall be
65 elected from special trustee election districts by the qualified
66 electors thereof, as herein provided. Upon request of the board
67 of trustees of any consolidated school district, the board of
68 supervisors of such county shall apportion the consolidated school
69 district into five (5) special trustee election districts. The
70 board of supervisors shall place upon its minutes the boundaries
71 determined for the new five (5) trustee election districts. The
72 board of supervisors shall thereafter publish the same in a
73 newspaper of general circulation within the school district for at
74 least three (3) consecutive weeks; and after having given notice
75 of publication and recording the same upon the minutes of the
76 board of supervisors, the new district lines shall thereafter be
77 effective.

78 On the first Tuesday after the first Monday in November 2003
79 and every four (4) years thereafter, in * * * any consolidated
80 school district * * * electing to utilize the authority to create
81 single member election districts, an election shall be held * * *
82 for the purpose of electing the board of trustees of such
83 district. At the election the members of the * * * board * * *
84 shall be elected for a term of four (4) years * * *. Thereafter,
85 members shall be elected at general elections as vacancies occur
86 for terms of four (4) years each. However, in order to provide
87 for an orderly transition, each member of such boards serving on
88 the date House Bill No. , 2001 Regular Session, becomes
89 effective and whose term expires after the first Monday of January
90 2004 shall continue to serve for the remainder of the unexpired
91 term, at which time the vacancy shall be filled in the manner
92 provided in this paragraph. Trustees elected from single member
93 election districts as provided above shall * * * be elected as
94 provided for in Sections 37-7-223 through 37-7-229. All members
95 of the * * * board of trustees shall take office on the first
96 Monday of January following the date of their election. All



97 vacancies which may occur during a term shall be filled by
98 appointment of the consolidated school district trustees, but the
99 person so appointed shall serve only until the next general
100 election following such appointment, at which time a person shall
101 be elected for the remainder of the unexpired term at the same
102 time and in the same manner as a trustee is elected for the full
103 term then expiring. The person so elected to the unexpired term
104 shall take office immediately. The appointee shall be selected
105 from the qualified electors of the district in which the vacancy
106 occurs.

107 (2) All school districts reconstituted and created under the
108 provisions of Article 3 of this chapter, which embrace territory
109 in two (2) or more counties, but not including municipal separate
110 school districts, shall be governed by a board of five (5)
111 trustees. In making the original appointments, the several county
112 boards of education shall appoint the trustee or trustees to which
113 the territory in such county is entitled, and, by agreement
114 between the county boards concerned, one (1) person shall be
115 appointed to serve until the first Saturday of March following,
116 one (1) for one (1) year longer, one (1) for two (2) years longer,
117 one (1) for three (3) years longer and one (1) for four (4) years
118 longer. Thereafter, such trustees shall be elected as is provided
119 for in Sections 37-7-223 through 37-7-229, for a term of four (4)
120 years. The five (5) members of the board of trustees of such line
121 consolidated school district shall be elected from special trustee
122 election districts by the qualified electors thereof, as herein
123 provided. Upon request by the board of trustees of any line
124 consolidated school district, the boards of supervisors of such
125 counties shall apportion the line consolidated school district
126 into five (5) special trustee election districts. The boards of
127 supervisors shall place upon their minutes the boundaries
128 determined for the new five (5) trustee election districts. The
129 boards of supervisors shall thereafter publish the same in a



130 newspaper of general circulation within the school district for at
131 least three (3) consecutive weeks; and after having given notice
132 of publication and recording the same upon the minutes of the
133 boards of supervisors, the new district lines shall thereafter be
134 effective.

135 On the first Tuesday after the first Monday in November 2003
136 and every four (4) years thereafter, in * * * any line
137 consolidated school district * * * electing to utilize the
138 authority to create single member election districts, an election
139 shall be held * * * for the purpose of electing the board of
140 trustees of such district. At the election the members of
141 the * * * board * * * shall be elected for a term of four (4)
142 years * * *. Thereafter, members shall be elected at general
143 elections as vacancies occur for terms of four (4) years each.
144 However, in order to provide for an orderly transition, each
145 member of such boards serving on the date House Bill No. _____, 2001
146 Regular Session, becomes effective and whose term expires after
147 the first Monday of January 2004 shall continue to serve for the
148 remainder of the unexpired term, at which time the vacancy shall
149 be filled in the manner provided in this paragraph. Trustees
150 elected from single member election districts as provided above
151 shall * * * be elected as provided for in Sections 37-7-223
152 through 37-7-229. All members of the * * * board of trustees
153 shall take office on the first Monday of January following the
154 date of their election. In all elections, the trustee elected
155 shall be a resident and qualified elector of the district entitled
156 to the representation upon the board, and he shall be elected only
157 by the qualified electors of such district. All vacancies which
158 may occur during a term of office shall be filled by appointment
159 of the consolidated line school district trustees, but the person
160 so appointed shall serve only until the next general election
161 following such appointment, at which time a person shall be
162 elected for the remainder of the unexpired term at the same time



163 and in the same manner as the trustee is elected for the full term
164 then expiring. The person so elected to the unexpired term shall
165 take office immediately.

166 **[From and after such time as Section 1 of Laws, 1990, Chapter**
167 **567, is effectuated under Section 5 of the Voting Rights Act of**
168 **1965, as amended and extended, this section will read as follows:]**

169 37-7-207. (1) All school districts reconstituted or created
170 under the provisions of Article 3 of this chapter, and which lie
171 wholly within one (1) county, but not including municipal separate
172 and countywide districts, shall be governed by a board of five (5)
173 trustees. The first board of trustees of such districts shall be
174 appointed by the county board of education, and the original
175 appointments shall be so made that one (1) trustee shall be
176 appointed to serve until the first Saturday of March following
177 such appointments, one (1) for one (1) year longer, one (1) for
178 two (2) years longer, one (1) for three (3) years longer, and one
179 (1) for four (4) years longer. After such original appointments,
180 the trustees of such school districts shall be elected by the
181 qualified electors of such school districts in the manner provided
182 for in Sections 37-7-223 through 37-7-229, with each trustee to be
183 elected for a term of four (4) years. The five (5) members of the
184 board of trustees of such consolidated school district may be
185 elected from special trustee election districts by the qualified
186 electors thereof, as herein provided. Upon request of the board
187 of trustees of any consolidated school district, the board of
188 supervisors of such county shall apportion the consolidated school
189 district into five (5) special trustee election districts. The
190 board of supervisors shall place upon its minutes the boundaries
191 determined for the new five (5) trustee election districts. The
192 board of supervisors shall thereafter publish the same in a
193 newspaper of general circulation within the school district for at
194 least three (3) consecutive weeks; and after having given notice
195 of publication and recording the same upon the minutes of the



196 board of supervisors, the new district lines shall thereafter be
197 effective.

198 On the first Tuesday after the first Monday in November 2003
199 and every four (4) years thereafter, in * * * any consolidated
200 school district * * * electing to utilize the authority to create
201 single member election districts, an election shall be held * * *
202 for the purpose of electing the board of trustees of such
203 district. At the election the members of the * * * board * * *
204 shall be elected for a term of four (4) years * * *. Thereafter,
205 members shall be elected at general elections as vacancies occur
206 for terms of four (4) years each. However, in order to provide
207 for an orderly transition, each member of such boards serving on
208 the date House Bill No. , 2001 Regular Session, becomes
209 effective and whose term expires after the first Monday of January
210 2004 shall continue to serve for the remainder of the unexpired
211 term, at which time the vacancy shall be filled in the manner
212 provided in this paragraph. Trustees elected from single member
213 election districts as provided above shall * * * be elected as
214 provided for in Sections 37-7-223 through 37-7-229. All members
215 of the * * * board of trustees shall take office on the first
216 Monday of January following the date of their election. All
217 vacancies which may occur during a term shall be filled by
218 appointment of the consolidated school district trustees, but the
219 person so appointed shall serve only until the next general
220 election following such appointment, at which time a person shall
221 be elected for the remainder of the unexpired term at the same
222 time and in the same manner as a trustee is elected for the full
223 term then expiring. The person so elected to the unexpired term
224 shall take office immediately. The appointee shall be selected
225 from the qualified electors of the district in which the vacancy
226 occurs.

227 (2) All school districts reconstituted and created under the
228 provisions of Article 3 of this chapter, which embrace territory



229 in two (2) or more counties, but not including municipal separate
230 school districts, shall be governed by a board of five (5)
231 trustees. In making the original appointments, the several county
232 boards of education shall appoint the trustee or trustees to which
233 the territory in such county is entitled, and, by agreement
234 between the county boards concerned, one (1) person shall be
235 appointed to serve until the first Saturday of March following
236 such appointments, one (1) for one (1) year longer, one (1) for
237 two (2) years longer, one (1) for three (3) years longer and one
238 (1) for four (4) years longer. Thereafter, such trustees shall be
239 elected as is provided for in Sections 37-7-223 through 37-7-229
240 for a term of four (4) years. The five (5) members of the board
241 of trustees of such line consolidated school district may be
242 elected from special trustee election districts by the qualified
243 electors thereof, as herein provided. Upon request by the board of
244 trustees of any line consolidated school district, the boards of
245 supervisors of such counties shall apportion the line consolidated
246 school district into five (5) special trustee election districts.
247 The boards of supervisors shall place upon their minutes the
248 boundaries determined for the new five (5) trustee election
249 districts. The boards of supervisors shall thereafter publish the
250 same in a newspaper of general circulation within the school
251 district for at least three (3) consecutive weeks; and after
252 having given notice of publication and recording the same upon the
253 minutes of the boards of supervisors, the new district lines shall
254 thereafter be effective.

255 On the first Tuesday after the first Monday in November 2003
256 and every four (4) years thereafter, in * * * any line
257 consolidated school district * * * electing to utilize the
258 authority to create single member election districts, an election
259 shall be held * * * for the purpose of electing the board of
260 trustees of such district. At the election the members of
261 the * * * board * * * shall be elected for a term of four (4)



262 years * * *. Thereafter, members shall be elected at general
263 elections as vacancies occur for terms of four (4) years each.
264 However, in order to provide for an orderly transition, each
265 member of such boards serving on the date House Bill No. _____,
266 2001 Regular Session, becomes effective and whose term expires
267 after the first Monday of January 2004 shall continue to serve for
268 the remainder of the unexpired term, at which time the vacancy
269 shall be filled in the manner provided in this paragraph.

270 Trustees elected from single member election districts as provided
271 above shall otherwise be elected as provided for in Sections
272 37-7-223 through 37-7-229. All members of the * * * board of
273 trustees shall take office on the first Monday of January
274 following the date of their election. In all such elections, the
275 trustee elected shall be a resident and qualified elector of the
276 district entitled to the representation upon the board, and he
277 shall be elected only by the qualified electors of such district.
278 All vacancies which may occur during a term of office shall be
279 filled by appointment of the consolidated line school district
280 trustees, but the person so appointed shall serve only until the
281 next general election following such appointment, at which time a
282 person shall be elected for the remainder of the unexpired term at
283 the same time and in the same manner as the trustee is elected for
284 the full term then expiring. The person so elected to the
285 unexpired term shall take office immediately.

286 SECTION 3. Section 37-7-707, Mississippi Code of 1972, is
287 amended as follows:

288 37-7-707. In all such special municipal separate school
289 districts which may be so organized, reorganized or reconstituted
290 to embrace the entire county in which the majority of the
291 inhabitants of the county reside outside the corporate limits of
292 the municipality, the board of trustees of such district shall be
293 composed of five (5) members, one (1) of whom shall be a resident
294 qualified elector of each supervisors district of the county. The



295 trustees shall be elected from the county at large by the
296 qualified electors of the county at the first regular general
297 election following the approval by the State Board of Education of
298 the organization of such district. Such trustees shall take
299 office on the first Monday of January following their election.

300 At such election the members of the * * * board * * * shall
301 be elected for a term of four (4) years * * *. However, in order
302 to provide for an orderly transition, each member of such boards
303 serving on the date House Bill No. , 2001 Regular Session,
304 becomes effective and whose term expires after the first Monday of
305 January 2004 shall continue to serve for the remainder of the
306 unexpired term, at which time the vacancy shall be filled in the
307 manner provided in Section 37-7-709. Thereafter members shall be
308 elected at regular general elections * * * for terms of four (4)
309 years each and shall take office on the first Monday of January
310 after their election.

311 SECTION 4. Section 37-7-713, Mississippi Code of 1972, is
312 amended as follows:

313 37-7-713. In all special municipal separate school districts
314 where the district embraces less than the entire area of the
315 county and where the majority of the educable children of the
316 district reside outside the limits of the municipality, unless the
317 governing authorities of the municipality and the county provide
318 for one (1) of the alternative methods of organization as set out
319 in Sections 37-7-715 and 37-7-717, the * * * special municipal
320 separate school district shall be governed by a board of trustees
321 consisting of five members, to be elected by the qualified
322 electors of the municipal separate school district from the
323 district at large in the manner provided by Sections 37-7-223
324 through 37-7-229, and all duties imposed upon the county
325 superintendent of education by said sections with reference to the
326 elections shall be imposed upon and performed by the
327 superintendent of the municipal separate school district.



328 However, the first board of trustees of the special municipal
329 separate school district shall be appointed in the following
330 manner. The governing authorities of the municipality shall
331 appoint three (3) trustees, and the appointments shall be made so
332 that one (1) trustee shall be appointed to serve until the first
333 Saturday of March following the appointment, one (1) for two (2)
334 years longer, and one (1) for four (4) years longer. The board of
335 education of the county shall appoint two (2) trustees, the
336 appointments to be made so that one (1) trustee shall be appointed
337 to serve until the first Saturday of March of the second year
338 following the appointment, and one (1) trustee for two (2) years
339 longer. After the original appointments, the trustees of * * * a
340 special municipal separate school district shall be elected for a
341 term of four (4) years, as * * * provided in this section.
342 However, in order to provide for an orderly transition, each
343 member of such boards serving on the date House Bill No. _____,
344 2001 Regular Session, becomes effective and whose term expires
345 after the first Monday of January 2004 shall continue to serve for
346 the remainder of the unexpired term, at which time the vacancy
347 shall be filled in the manner provided in this section. All
348 members of the board of trustees shall take office on the first
349 Monday of January following the date of their election. All * * *
350 members of the board of trustees shall be residents and qualified
351 electors of the school district. All vacancies which may occur
352 during a term of office shall be filled by appointment by the
353 remaining members of the board of trustees, the appointee to have
354 the same qualifications as other members of the board. The
355 appointment shall be made within thirty (30) days after the
356 vacancy occurs. The person so appointed shall serve only until
357 his successor shall have qualified. The successor to serve the
358 remainder of the unexpired term shall be elected on the first
359 Tuesday after the first Monday in November next following the



360 occurrence of the vacancy in the same manner as provided for by
361 Sections 37-7-223 through 37-7-229.

362 SECTION 5. The Attorney General of the State of Mississippi
363 shall submit this act, immediately upon approval by the Governor,
364 or upon approval by the Legislature subsequent to a veto, to the
365 Attorney General of the United States or to the United States
366 District Court for the District of Columbia in accordance with the
367 provisions of the Voting Rights Act of 1965, as amended and
368 extended.

369 SECTION 6. This act shall take effect and be in force from
370 and after January 1, 2003, if it is effectuated on or before that
371 date under Section 5 of the Voting Rights Act of 1965, as amended
372 and extended. If it is effectuated under Section 5 of the Voting
373 Rights Act of 1965, as amended and extended, after January 1,
374 2003, this act shall take effect and be in force from and after
375 the date it is effectuated under Section 5 of the Voting Rights
376 Act of 1965, as amended and extended.

