

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.

