

By: Senator(s) Bryan

To: Education; Elections

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2549

1 AN ACT TO AMEND SECTION 37-5-71, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT VOTERS WITHIN CERTAIN LINE CONSOLIDATED SCHOOL DISTRICTS
3 FROM PARTICIPATING IN THE ELECTION OF THE COUNTY SUPERINTENDENT OF
4 EDUCATION; TO REQUIRE THE ELECTION OF ALL SCHOOL BOARD MEMBERS IN
5 ALL SCHOOL DISTRICTS; TO AMEND SECTIONS 37-7-203 AND 37-7-703,
6 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ELECTION OF THE
7 MEMBERS OF SCHOOL BOARDS OF MUNICIPAL SEPARATE SCHOOL DISTRICTS
8 AND SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS FROM SCHOOL BOARD
9 MEMBER DISTRICTS BY THE QUALIFIED ELECTORS OF SUCH DISTRICTS, TO
10 DIRECT THE MUNICIPAL GOVERNING AUTHORITIES TO APPORTION THE SCHOOL
11 DISTRICTS INTO FIVE SCHOOL BOARD MEMBER DISTRICTS, TO ESTABLISH AN
12 ELECTION SCHEDULE IN ORDER TO PROVIDE FOR AN ORDERLY TRANSITION IN
13 THE MEMBERSHIP OF SCHOOL BOARDS FROM APPOINTED TO ELECTED MEMBERS,
14 AND TO PRESCRIBE THE TIME AND MANNER OF SUCH ELECTIONS AND THE
15 MANNER IN WHICH VACANCIES ON THE SCHOOL BOARDS SHALL BE FILLED; TO
16 AMEND SECTIONS 37-7-201 AND 37-7-221, MISSISSIPPI CODE OF 1972, IN
17 CONFORMITY THERETO; TO REPEAL SECTION 37-7-204, MISSISSIPPI CODE
18 OF 1972, WHICH PROVIDES FOR THE APPOINTMENT OF INTERIM BOARD
19 MEMBERS TO FILL CERTAIN VACANCIES ON THE SCHOOL BOARDS OF
20 COUNTYWIDE MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO REPEAL SECTIONS
21 37-7-209 THROUGH 37-7-219, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
22 CERTAIN METHODS FOR ELECTING TRUSTEES FROM ADDED TERRITORY OF
23 MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO REPEAL SECTIONS 37-7-705
24 THROUGH 37-7-717, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN
25 METHODS FOR SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE
26 SCHOOL DISTRICTS; AND FOR RELATED PURPOSES.

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

28 SECTION 1. Section 37-5-71, Mississippi Code of 1972, is
29 amended as follows:

30 37-5-71. (1) The county superintendents of education shall
31 be elected in the manner prescribed by the provisions of this
32 chapter, unless such office be made appointive as provided in this
33 chapter, in which case the county superintendent shall be
34 appointed by the county board of education or by the trustees of a
35 separate school district embracing an entire county with a
36 population of fifteen thousand (15,000) or less, as provided in
37 subsection (2) of Section 37-7-203. In all cases he shall have
38 such qualifications as prescribed by Section 37-9-13 and receive
39 such compensation as established under Section 37-9-37.



40 (2) All qualified electors residing within any municipal
41 separate or special municipal separate school district shall not
42 vote in the election for the county superintendent of education:

43 (a) In all counties of the second class which have a
44 population, according to the 1960 federal decennial census of at
45 least thirty-three thousand (33,000) and less than thirty-four
46 thousand (34,000), and having a city located therein which is the
47 Southern Division of the A.T. & S.F. Railroad Company;

48 (b) In all counties of the fourth class which have a
49 population, according to the 1960 federal decennial census, in
50 excess of twenty-six thousand (26,000) and less than twenty-seven
51 thousand (27,000), and having located therein the Mississippi
52 State University of Agriculture and Applied Science;

53 (c) In all counties of the first class which have a
54 population, according to the 1960 federal decennial census, in
55 excess of forty-six thousand (46,000) and less than forty-seven
56 thousand (47,000), and having located therein the Mississippi
57 University for Women;

58 (d) In any county bordering on the Mississippi Sound
59 and having a population in excess of one hundred thousand
60 (100,000), according to the 1960 federal decennial census, and
61 having an assessed valuation in excess of Seventy Million Dollars
62 (\$70,000,000.00);

63 (e) In any county having a population in excess of
64 eight thousand (8,000) and less than nine thousand (9,000), and
65 having an assessed valuation in excess of Five Million Dollars
66 (\$5,000,000.00) but less than Six Million Dollars (\$6,000,000.00)
67 in 1960;

68 (f) In any county having a population in excess of
69 twenty-two thousand (22,000) and less than twenty-three thousand
70 (23,000) in 1960, and having a total assessed valuation in excess
71 of Thirteen Million Dollars (\$13,000,000.00) in 1960;



72 (g) In any county having a population in excess of
73 fifty-nine thousand (59,000) but less than sixty thousand
74 (60,000), according to the 1960 federal decennial census;

75 (h) In any county bordered on the east by the Alabama
76 line and on the south by the Mississippi Sound;

77 (i) In any county where Mississippi Highway 35 crosses
78 U.S. Highway 80 and whose population, according to the 1960
79 regular census, was between twenty-one thousand (21,000) and
80 twenty-two thousand (22,000), and in which there are located four
81 (4) or more chicken packing plants, one (1) zipper plant and one
82 or more factories manufacturing Sunbeam electrical appliances;

83 (j) In any county having a population of twenty-six
84 thousand one hundred ninety-eight (26,198) according to the 1970
85 census wherein Highways 51 and 84 intersect;

86 (k) In any county having a municipal separate school
87 district lying therein, having a population in excess of
88 twenty-one thousand (21,000) but less than twenty-one thousand
89 five hundred (21,500), according to the 1960 decennial census, and
90 having a combined assessed valuation in 1963 in excess of Sixteen
91 Million Nine Hundred Thousand Dollars (\$16,900,000.00) but less
92 than Seventeen Million Dollars (\$17,000,000.00) according to the
93 State Tax Commission's compilation;

94 (l) In any county where Mississippi Highway 15 crosses
95 Mississippi Highway 16, whose population was more than twenty
96 thousand (20,000) and less than twenty-one thousand (21,000),
97 according to the regular 1960 census, and within which there is
98 located a Choctaw Indian reservation and school operated by the
99 United States government;

100 (m) In any county where U.S. Highway 45W Alternate
101 intersects Mississippi Highway 50, and having a population of
102 eighteen thousand nine hundred thirty-three (18,933), according to
103 the 1960 federal census;



104 (n) In any county having a population in excess of
105 forty thousand five hundred (40,500), according to the 1960
106 federal decennial census, wherein U.S. Highways 78 and 45
107 intersect, and wherein there is a United States fish hatchery;

108 (o) In any county being traversed by Mississippi
109 Highway 15 and U.S. Interstate Highway 20;

110 (p) In all counties wherein there is located a national
111 military park and a national cemetery;

112 (q) In any county where U.S. Highway 82 crosses U.S.
113 Interstate Highway 55 and having a population of twelve thousand
114 three hundred eighty-seven (12,387) according to the 1990 federal
115 decennial census;

116 (r) In any county where U.S. Highway 49E and U.S.
117 Highway 82 intersect, and having a population of thirty-seven
118 thousand three hundred forty-one (37,341) according to the 1990
119 federal decennial census.

120 In any such county, however, the county superintendent of
121 education may be a resident of a municipal separate school
122 district or special municipal separate school district.

123 (3) The qualified electors residing within the municipal
124 separate school districts shall not participate in the election of
125 the county superintendent of education:

126 (a) In any county having a population of more than
127 twenty-seven thousand (27,000) and less than twenty-eight thousand
128 (28,000) and containing therein a municipality having a population
129 in excess of three thousand (3,000), according to the 1960 federal
130 decennial census;

131 (b) In any Class 1 county wherein is located a
132 state-supported university and a National Guard camp, and in which
133 Interstate Highway 59 and U.S. Highway 49 intersect;

134 (c) In any Class 4 county having two (2) judicial
135 districts, wherein is partially located a national forest, and
136 wherein Mississippi Highways 8 and 15 intersect;



137 (d) In any Class 2 county, the southern boundary of
138 which partially borders on the State of Louisiana, traversed by
139 U.S. Highway 98 which intersects Mississippi Highway 13, with a
140 land area of five hundred fifty (550) square miles and having a
141 population of twenty-three thousand two hundred ninety-three
142 (23,293) in the 1960 federal decennial census;

143 (e) In any county bordering on the Gulf of Mexico or
144 the Mississippi Sound having therein a test facility operated by
145 the National Aeronautics and Space Administration;

146 (f) In any county having a population in excess of
147 twenty-seven thousand one hundred seventy-nine (27,179) according
148 to the 1970 federal decennial census, wherein U.S. Highways 45 and
149 72 intersect; and

150 (g) In any Class 1 county bordering on the Pearl River
151 in which U.S. Highway 80 intersects Mississippi Highway 18 and
152 having a population, according to the federal decennial census of
153 1970, of forty-three thousand nine hundred thirty-three (43,933).

154 (4) The county superintendent of education, with the
155 approval of the county board of education by its first having
156 adopted a resolution of approval and spread upon its minutes,
157 shall be elected from the county at large, exclusive of the
158 municipal separate school district boundaries:

159 (a) In any county bordering on the State of Tennessee
160 having a land area of seven hundred ten (710) square miles,
161 wherein is located part of a national forest, and wherein U.S.
162 Highway 78 and Mississippi Highway 7 intersect;

163 (b) In any Class 4 county wherein is located the
164 state's oldest state-supported university, in which Mississippi
165 Highways 6 and 7 intersect; and

166 (c) In any county having a population in excess of
167 seventeen thousand (17,000) and less than eighteen thousand
168 (18,000), according to the 1970 federal decennial census, wherein
169 Mississippi Highways 6 and 9 intersect.



170 (5) In any county having a municipality of between
171 forty-nine thousand (49,000) and fifty thousand (50,000)
172 population according to the 1960 federal census, and adjoining the
173 Alabama line, wherein U.S. Highways 80 and 45 intersect, the
174 qualified electors residing within any municipal separate school
175 district shall not participate in the election of the county
176 superintendent of education, and such county superintendent of
177 education shall not be a resident of a municipal separate school
178 district.

179 (6) In any county traversed by the Natchez Trace Parkway
180 wherein U.S. Highway 45 and Mississippi Highway 4 intersect and
181 having a population of seventeen thousand nine hundred forty-nine
182 (17,949) according to the 1960 federal census, the qualified
183 electors residing within any municipal separate school district
184 shall not participate in the election of the county superintendent
185 of education, and such county superintendent of education shall
186 not be a resident of a municipal separate school district.

187 (7) The qualified electors residing within any line
188 consolidated school district located within any county wherein
189 U.S. Highway 45 and Mississippi Highway 6 intersect and having a
190 population of sixty-five thousand five hundred eighty-one (65,581)
191 according to the 1990 federal census, and within any county
192 wherein U.S. Highway 45 and Mississippi Highway 8 intersect and
193 having a population of thirty-six thousand five hundred eighty-two
194 (36,582) according to the 1990 federal census, shall not
195 participate in the election of the county superintendent of
196 education, however, the county superintendent of education may be
197 a resident of such line consolidated school district.

198 SECTION 2. Section 37-7-203, Mississippi Code of 1972, is
199 amended as follows:

200 **[Until January 1, 2003, this section will read as follows:]**

201 37-7-203. (1) The boards of trustees of all municipal
202 separate school districts created under * * * this chapter, either



203 with or without added territory, shall consist of five (5)
204 members, each to be chosen for a term of five (5) years. However,
205 in order to provide for an orderly transition in the membership of
206 municipal separate school district boards of trustees from
207 appointed members, or appointed and elected members, to elected
208 members only, the terms of office of the school board members
209 which expire in the years 2003, 2004, 2005, 2006 and 2007 shall be
210 extended from March until the first Monday of July in the same
211 year, at which time the respective member's duly elected successor
212 shall take office. Each member of the board of trustees shall be
213 chosen so that the term of office of one (1) member shall expire
214 each year. In the event the added territory of a municipal
215 separate school district furnishes fifteen percent (15%) or more
216 of the pupils enrolled in the schools of such district, then at
217 least one (1) member of the board of trustees of such school
218 district shall be a resident of the added territory outside the
219 corporate limits. In the event the added territory of a municipal
220 separate school district furnishes thirty percent (30%) or more of
221 the pupils enrolled in the schools of such district, then not more
222 than two (2) members of the board of trustees of such school
223 district shall be residents of the added territory outside the
224 corporate limits. In the event the added territory of a municipal
225 separate school district in a county in which Mississippi Highways
226 8 and 15 intersect furnishes thirty percent (30%) or more of the
227 pupils enrolled in the schools of such district, then the five (5)
228 members of the board of trustees of such school district shall be
229 elected at large from such school district for a term of five (5)
230 years each except that the two (2) elected trustees presently
231 serving on such board shall continue to serve for their respective
232 terms of office. The three (3) appointed trustees presently
233 serving on such board shall continue to serve until their
234 successors are elected in March of 1975 in the manner provided for
235 in Section 37-7-215. At such election, one (1) trustee shall be



236 elected for a term of two (2) years, one (1) for a term of three
237 (3) years and one (1) for a term of five (5) years. Subsequent
238 terms for each successor trustee shall be for five (5) years or
239 for a term expiring on the first Monday of July if the term
240 expires in the year 2003, 2004, 2005, 2006 or 2007. In the event
241 one (1) of two (2) municipal separate school districts located in
242 any county with two (2) judicial districts, District 1 being
243 comprised of Supervisors Districts 1, 2, 4 and 5, and District 2
244 being comprised of Supervisors District 3, with added territory
245 embraces three (3) full supervisors districts of a county, one (1)
246 trustee shall be elected from each of the three (3) supervisors
247 districts outside the corporate limits of the municipality. In
248 the further event that the territory of a municipal separate
249 school district located in any county with two (2) judicial
250 districts, District 1 being comprised of Supervisors Districts 1,
251 2, 4 and 5, and District 2 being comprised of Supervisors District
252 3, with added territory embraces four (4) full supervisors
253 districts in the county, and in any county in which a municipal
254 separate school district embraces the entire county in which
255 Highways 14 and 15 intersect, one (1) trustee shall be elected
256 from each supervisors district.

257 Except as otherwise provided herein, the trustees of such a
258 municipal separate school district shall be elected by a majority
259 of the governing authorities of the municipality at the first
260 meeting of the governing authorities held in the month of February
261 of each year, and the term of office of the member so elected
262 shall commence on the first Saturday of March following. In the
263 case of a member of the board of trustees who is required to come
264 from the added territory outside the corporate limits as is above
265 provided, such member of the board of trustees shall be elected by
266 the qualified electors of the school district residing in such
267 added territory outside the corporate limits at the same time and
268 in the same manner as is otherwise provided in this article for



269 the election of trustees of school districts other than municipal
270 separate school districts.

271 In the event that a portion of a county school district is
272 reconstituted, in the manner provided by law, into a municipal
273 separate school district with added territory and in the event
274 that the trustees to be elected from the added territory are
275 requested to be elected from separate election districts within
276 the added territory, instead of elected at-large, by the Attorney
277 General of the United States as a result of and pursuant to
278 preclearance under Section 5 of the Voting Rights Act of 1965 as
279 amended and extended, and in the event the added territory of a
280 municipal separate school district of a municipality furnishes
281 thirty percent (30%) or more of the pupils enrolled in the schools
282 of such district, then two (2) members of the board of trustees
283 shall be residents of the added territory outside the corporate
284 limits of such municipality and shall be elected from special
285 trustee election districts by the qualified electors thereof as
286 herein provided. The governing authorities of such municipality
287 shall apportion the added territory into two (2) special trustee
288 election districts as nearly equal as possible according to
289 population and other factors heretofore pronounced by the courts.
290 The governing authorities of such municipality shall thereafter
291 publish the same in a newspaper of general circulation within the
292 school district for at least two (2) consecutive weeks; and after
293 having given notice of publication and recording the same upon the
294 minutes of the governing authorities, the new district lines shall
295 thereafter be effective. Any person elected from the new trustee
296 election districts constituted herein shall be elected in the
297 manner provided for in Section 37-7-215 for a term of five (5)
298 years or for a term expiring on the first Monday of July if the
299 term of office expires in the year 2003, 2004, 2005, 2006 or 2007.
300 Any vacancy in the office of a trustee elected from such trustee
301 election district, whether occasioned by redistricting or by other



302 cause, shall be filled by appointment of the governing authorities
303 of the municipality, provided that the person so appointed shall
304 serve only until the first Saturday of March following his
305 appointment, at which time a person shall be elected for the
306 remainder of the unexpired term in the manner provided in Section
307 37-7-215.

308 In any county organizing a countywide municipal separate
309 school district after January 1, 1965, the trustees thereof to be
310 elected from outside the municipality, such trustees shall be
311 elected by the board of supervisors of such county, and the
312 superintendent of such school district shall have authority to pay
313 out and distribute the funds of the district. In the event a
314 municipal separate school district should occupy territory in a
315 county other than that in which the municipality is located and
316 fifteen percent (15%) or more of the pupils enrolled in the
317 schools of such district shall come from the territory of the
318 district in the county other than that in which the municipality
319 is located, the territory of such county in which the municipality
320 is not located shall be entitled to one (1) member on the board of
321 trustees of such school district. The trustee shall be a resident
322 of the territory of that part of the district lying in the county
323 in which the municipality is not located and shall be elected by
324 the qualified electors of the territory of such county at the same
325 time and in the same manner as is provided for the election of
326 trustees of school districts other than municipal separate school
327 districts having territory in two (2) or more counties.

328 All vacancies shall be filled for the unexpired terms by
329 appointment of the governing authorities of the municipality;
330 except that in the case of the trustees coming from the added
331 territory outside the corporate limits, the person so appointed
332 shall serve only until the first Saturday of March following his
333 appointment, at which time a person shall be elected for the



334 remainder of the unexpired term in the manner otherwise provided
335 herein.

336 No person who is a member of such governing body, or who is
337 an employee of the municipality, or who is a member of the county
338 board of education, or who is a trustee of any public, private or
339 sectarian school or college located in the county, inclusive of
340 the municipal separate school district, or who is a teacher in or
341 a trustee of the school district, shall be eligible for
342 appointment to the board of trustees.

343 (2) In counties of less than fifteen thousand (15,000)
344 people having a municipal separate school district with added
345 territory which embraces all the territory of a county, one (1) or
346 more trustees of such district shall be nominated from each
347 supervisors district upon petition of fifty (50) qualified
348 electors of the district, or twenty percent (20%) of the qualified
349 electors of such district, whichever number shall be smaller, and
350 shall be elected by a plurality of the vote of the qualified
351 electors of the county. One (1) trustee so elected shall reside
352 in each supervisors district of the county. In such counties
353 embraced entirely by a municipal separate school district there
354 shall be no county board of education after the formation of such
355 district and the county superintendent of education shall act as
356 superintendent of schools of the district and shall be appointed
357 by the board of trustees of the district, and the provisions of
358 subsection (1) of this section and the first paragraph of Section
359 37-7-211 shall not apply to such districts.

360 **[From and after January 1, 2003, this section will read as**
361 **follows:]**

362 37-7-203. (1) The school boards * * * of all municipal
363 separate school districts * * * shall consist of five (5) members.
364 Beginning in 2003, the members of the school board shall be
365 elected from special school board member districts in the manner
366 provided under this section.



367 (2) As soon as practicable after the results of the 2000
368 federal decennial census are published, the municipal governing
369 authority shall apportion the municipal separate school district,
370 including any added territory, into five (5) single school board
371 member districts. The school board member districts must be as
372 nearly equal as possible according to population. The municipal
373 governing authority shall submit the school board member district
374 lines to the Attorney General of the United States for
375 preclearance or to the United States District Court for the
376 District of Columbia for a declaratory judgment in accordance with
377 the provisions of the Voting Rights Act of 1965, as amended and
378 extended. If the school board member district lines are
379 precleared by the United States Department of Justice or approved
380 by the United States District Court, the municipal governing
381 authority and the school board of the municipal separate school
382 district shall place upon their minutes the boundaries established
383 for the five (5) school board member districts, and the school
384 board shall publish the boundaries in a newspaper of general
385 circulation within the school district for at least three (3)
386 consecutive weeks. After having given notice of publication and
387 recording the publication upon the minutes of the school board,
388 the school board member district lines shall be effective. As
389 soon as practicable after the results of the 2010 federal
390 decennial census and every federal decennial census thereafter are
391 published, the municipal governing authority shall reapportion the
392 school board member districts in the manner prescribed in this
393 subsection for the creation of the original districts.

394 (3) In order to provide for an orderly transition in the
395 membership of municipal separate school boards from appointed
396 members, or appointed and elected members, to elected members
397 only, the following election schedule is established for all
398 municipal separate school districts:



399 (a) On the first Tuesday after the first Monday in June
400 2003, an election shall be held for the purpose of electing a
401 member of the school board to succeed the member whose term of
402 office expires on the first Monday of July 2003. The initial term
403 of office of this elected member of the school board shall expire
404 on the first Monday of July 2005.

405 (b) On the first Tuesday after the first Monday in June
406 2004, an election shall be held for the purpose of electing a
407 member of the school board to succeed the member whose term of
408 office expires on the first Monday of July 2004. The initial term
409 of office of this elected member of the school board shall expire
410 on the first Monday of July 2005.

411 (c) At the general municipal election held on the first
412 Tuesday after the first Monday in June 2005, an election shall be
413 held for the purpose of electing a member of the school board to
414 succeed the member whose term of office expires on the first
415 Monday of July 2005 and for electing the successors to the members
416 elected under paragraphs (a) and (b) of this subsection. The term
417 of office of these elected members of the school board shall
418 expire on the first Monday of July 2009.

419 (d) On the first Tuesday after the first Monday in June
420 2006, an election shall be held for the purpose of electing a
421 member of the school board to succeed the member whose term of
422 office expires on the first Monday of July 2006. The initial term
423 of office of this elected member of the school board shall expire
424 on the first Monday of July 2009.

425 (e) On the first Tuesday after the first Monday in June
426 2007, an election shall be held for the purpose of electing a
427 member of the school board to succeed the member whose term of
428 office expires on the first Monday of July 2007. The initial term
429 of office of this elected member of the school board shall expire
430 on the first Monday of July 2009.



431 Upon the expiration of the initial terms of office, all
432 persons elected to serve on the school board of a municipal
433 separate school district shall serve for a term of four (4) years.

434 On the first Tuesday after the first Monday in June 2009, and
435 every four (4) years thereafter, the election of members of the
436 school boards of municipal separate school districts shall be held
437 in the same manner and at the same time as the general municipal
438 elections are held.

439 (4) Candidates for the school board of the municipal
440 separate school district shall file with the municipal election
441 commissioners, not more than ninety (90) days and not less than
442 sixty (60) days before the date of the election, a petition of
443 nomination signed by at least fifty (50) or twenty percent (20%)
444 of the qualified electors of the school board member district,
445 whichever is less. The name of each qualified candidate shall be
446 placed on the ballot. The election shall be held in the same
447 manner as the general municipal elections are held. The candidate
448 in each school board member district who receives a majority of
449 the votes cast by the qualified electors in that district shall be
450 elected. However, if no candidate receives a majority of the
451 votes, a runoff election shall be held two (2) weeks after the
452 election. The names of the candidate receiving the highest number
453 of votes and the candidate, or candidates in the event of a tie,
454 receiving the next highest vote for the office shall be placed on
455 the ballot in the runoff election. The person receiving the
456 highest number of votes cast by the qualified electors in the
457 runoff election shall be elected. All persons elected to serve on
458 the school board of the municipal separate school district shall
459 take office on the first Monday of July next following the date of
460 their election.

461 (5) Whenever there is a vacancy in the membership of the
462 school board of the municipal separate school district, the
463 vacancy shall be filled, depending upon the length of the



464 unexpired term of the vacated office, in the manner provided under
465 this subsection.

466 (a) If the unexpired term of the vacated office is six
467 (6) months or less, the remaining members of the school board
468 shall appoint, within sixty (60) days after the vacancy occurs, a
469 person to serve the unexpired portion of the term. The appointee
470 shall be selected from the qualified electors of the school board
471 member district in which the vacancy occurs. The chairman of the
472 school board shall certify to the Secretary of State the fact of
473 the appointment, and the Governor shall commission the person
474 appointed.

475 (b) If the unexpired term of the vacated office is
476 greater than six (6) months, an election shall be held to fill the
477 vacancy. The school board shall certify in writing the fact of
478 the vacancy to the governing authority of the municipality. At
479 the next regular meeting of the governing authority after its
480 receipt of certification of the vacancy from the school board, the
481 governing authority shall make and enter on its minutes an order
482 for an election to be held in the school board member district in
483 which the vacancy exists and shall fix the date upon which the
484 election shall be held, which date shall not be less than thirty
485 (30) days nor more than forty-five (45) days after the date upon
486 which the order is adopted.

487 The municipal clerk shall publish notice of the election in a
488 newspaper of general circulation within the municipality once each
489 week for three (3) successive weeks preceding the date of the
490 election. The first notice must be published at least thirty (30)
491 days before the date of the election. Notice also shall be given
492 by the school board by posting a copy of the notice at three (3)
493 public places in the school board member district in which the
494 vacancy exists and at the administrative offices of the school
495 board not less than twenty-one (21) days before the date of the
496 election.



497 Candidates for the vacated office shall file with the
498 municipal clerk, not less than ten (10) days before the date of
499 the election, a petition of nomination signed by at least fifty
500 (50) or twenty percent (20%) of the qualified electors of the
501 school board member district, whichever is less. The election
502 shall be held, as far as practicable, in the same manner as school
503 board elections are conducted under this section. The candidate
504 who receives a majority of the votes cast by the qualified
505 electors in the school board member district shall be elected.
506 However, if no candidate receives a majority of the votes, a
507 runoff election shall be held two (2) weeks after the election.
508 The names of the candidate receiving the highest number of votes
509 and the candidate, or candidates in the event of a tie, receiving
510 the next highest vote for the office shall be placed on the ballot
511 in the runoff election. The person receiving the highest number
512 of votes cast by the qualified electors in the runoff election
513 shall be elected. The clerk of the municipal election commission
514 shall give a certificate of election to the person elected and
515 shall return to the Secretary of State a copy of the order of
516 holding the election and its results, certified by the municipal
517 clerk. The Governor shall commission the person elected to serve
518 the remainder of the unexpired term.

519 However, if nine (9) days before the date of the election
520 only one (1) person has qualified as a candidate, the governing
521 authority shall dispense with the election, and the remaining
522 members of the school board shall appoint that candidate to fill
523 the unexpired term. If no person has qualified at least nine (9)
524 days before the election, the governing authority shall dispense
525 with the election, and the remaining members of the school board
526 shall appoint a person, selected from the qualified electors of
527 the school board member district in which the vacancy exists, to
528 fill the unexpired term. The chairman of the school board shall



529 certify to the Secretary of State the fact of the appointment, and
530 the Governor shall commission the person appointed.

531 SECTION 3. Section 37-7-703, Mississippi Code of 1972, is
532 amended as follows:

533 **[Until January 1, 2003, this section will read as follows:]**

534 37-7-703. In all such special municipal separate school
535 districts which embrace the entire county in which, according to
536 the latest available federal census, a majority of the inhabitants
537 of the county reside within the corporate limits of the
538 municipality, the board of trustees of such special municipal
539 separate school district shall be chosen and selected in the
540 manner provided by subsection (1) of Section 37-7-203, and all of
541 the provisions thereof shall be fully applicable in all respects
542 to the selection and constitution of such board of trustees.

543 **[From and after January 1, 2003, this section will read as**
544 **follows:]**

545 37-7-703. (1) In all * * * special municipal separate
546 school districts, beginning in 2003, the members of the school
547 board * * * of the special municipal separate school district
548 shall be elected in the manner provided in this section.

549 (2) Each member of the school board of the special municipal
550 separate school district shall be elected from a special school
551 board member district by the qualified electors of that district.
552 As soon as practicable after the results of the 2000 federal
553 decennial census are published, the municipal governing authority
554 shall apportion the special municipal separate school district,
555 including any added territory, into five (5) single school board
556 member districts. The school board member districts must be as
557 nearly equal as possible according to population. The municipal
558 governing authority shall submit the school board member district
559 lines to the Attorney General of the United States for
560 preclearance or to the United States District Court for the
561 District of Columbia for a declaratory judgment in accordance with



562 the provisions of the Voting Rights Act of 1965, as amended and
563 extended. If the school board member district lines are
564 precleared by the United States Department of Justice or approved
565 by the United States District Court, the municipal governing
566 authority and the school board of the special municipal separate
567 school district shall place upon their minutes the boundaries
568 established for the five (5) school board member districts, and
569 the school board shall publish the boundaries in a newspaper of
570 general circulation within the school district for at least three
571 (3) consecutive weeks. After having given notice of publication
572 and recording the publication upon the minutes of the school
573 board, the school board member district lines shall be effective.
574 As soon as practicable after the results of the 2010 federal
575 decennial census and every federal decennial census thereafter are
576 published, the municipal governing authority shall reapportion the
577 school board member districts in the manner prescribed in this
578 subsection for the creation of the original districts.

579 (3) In order to provide for an orderly transition in the
580 membership of special municipal separate school boards from
581 appointed members, or appointed and elected members, to elected
582 members only, the following election schedule is established for
583 all special municipal separate school districts:

584 (a) On the first Tuesday after the first Monday in June
585 2003, an election shall be held for the purpose of electing a
586 member of the school board to succeed the member whose term of
587 office expires on the first Monday of July 2003. The initial term
588 of office of this elected member of the school board shall expire
589 on the first Monday of July 2005.

590 (b) On the first Tuesday after the first Monday in June
591 2004, an election shall be held for the purpose of electing a
592 member of the school board to succeed the member whose term of
593 office expires on the first Monday of July 2004. The initial term



594 of office of this elected member of the school board shall expire
595 on the first Monday of July 2005.

596 (c) At the general municipal election held on the first
597 Tuesday after the first Monday in June 2005, an election shall be
598 held for the purpose of electing a member of the school board to
599 succeed the member whose term of office expires on the first
600 Monday of July 2005 and for electing the successors to the members
601 elected under paragraphs (a) and (b) of this subsection. The term
602 of office of these elected members of the school board shall
603 expire on the first Monday of July 2009.

604 (d) On the first Tuesday after the first Monday in June
605 2006, an election shall be held for the purpose of electing a
606 member of the school board to succeed the member whose term of
607 office expires on the first Monday of July 2006. The initial term
608 of office of this elected member of the school board shall expire
609 on the first Monday of July 2009.

610 (e) On the first Tuesday after the first Monday in June
611 2007, an election shall be held for the purpose of electing a
612 member of the school board to succeed the member whose term of
613 office expires on the first Monday of July 2007. The initial term
614 of office of this elected member of the school board shall expire
615 on the first Monday of July 2009.

616 Upon the expiration of the initial terms of office, all
617 persons elected to serve on the school board of a special
618 municipal separate school district shall serve for a term of four
619 (4) years.

620 On the first Tuesday after the first Monday in June 2009, and
621 every four (4) years thereafter, the election of members of the
622 school boards of special municipal separate school districts shall
623 be held in the same manner and at the same time as the general
624 municipal elections are held.

625 (4) Candidates for the school board of the special municipal
626 separate school district shall file with the municipal election



627 commissioners, not more than ninety (90) days and not less than
628 sixty (60) days before the date of the general election, a
629 petition of nomination signed by at least fifty (50) or twenty
630 percent (20%) of the qualified electors of the school board member
631 district, whichever is less. The name of each qualified candidate
632 shall be placed on the ballot. The election shall be held in the
633 same manner as the general principal elections are held. The
634 candidate in each school board member district who receives a
635 majority of the votes cast by the qualified electors in that
636 district shall be elected. However, if no candidate receives a
637 majority of the votes, a runoff election shall be held two (2)
638 weeks after the election. The names of the candidate receiving
639 the highest number of votes and the candidate, or candidates in
640 the event of a tie, receiving the next highest vote for the office
641 shall be placed on the ballot in the runoff election. The person
642 receiving the highest number of votes cast by the qualified
643 electors in the runoff election shall be elected. All persons
644 elected to serve on the school board of the special municipal
645 separate school district shall take office on the first Monday of
646 July next following the date of their election.

647 (5) Whenever there is a vacancy in the membership of the
648 school board of the special municipal separate school district,
649 the vacancy shall be filled, depending upon the length of the
650 unexpired term of the vacated office, in the manner provided under
651 this subsection.

652 (a) If the unexpired term of the vacated office is six
653 (6) months or less, the remaining members of the school board
654 shall appoint, within sixty (60) days after the vacancy occurs, a
655 person to serve the unexpired portion of the term. The appointee
656 shall be selected from the qualified electors of the school board
657 member district in which the vacancy occurs. The chairman of the
658 school board shall certify to the Secretary of State the fact of



659 the appointment, and the Governor shall commission the person
660 appointed.

661 (b) If the unexpired term of the vacated office is
662 greater than six (6) months, an election shall be held to fill the
663 vacancy. The school board shall certify in writing the fact of
664 the vacancy to the governing authority of the municipality. At
665 the next regular meeting of the governing authority after its
666 receipt of certification of the vacancy from the school board, the
667 governing authority shall make and enter on its minutes an order
668 for an election to be held in the school board member district in
669 which the vacancy exists and shall fix the date upon which the
670 election shall be held, which date shall not be less than thirty
671 (30) days nor more than forty-five (45) days after the date upon
672 which the order is adopted.

673 The municipal clerk shall publish notice of the election in a
674 newspaper of general circulation within the municipality once each
675 week for three (3) successive weeks preceding the date of the
676 election. The first notice must be published at least thirty (30)
677 days before the date of the election. Notice also shall be given
678 by the school board by posting a copy of the notice at three (3)
679 public places in the school board member district in which the
680 vacancy exists and at the administrative offices of the school
681 board not less than twenty-one (21) days before the date of the
682 election.

683 Candidates for the vacated office shall file with the
684 municipal clerk, not less than ten (10) days before the date of
685 the election, a petition of nomination signed by at least fifty
686 (50) or twenty percent (20%) of the qualified electors of the
687 school board member district, whichever is less. The election
688 shall be held, as far as practicable, in the same manner as school
689 board elections are conducted under this section. The candidate
690 who receives a majority of the votes cast by the qualified
691 electors in the school board member district shall be elected.



692 However, if no candidate receives a majority of the votes, a
693 runoff election shall be held two (2) weeks after the election.
694 The names of the candidate receiving the highest number of votes
695 and the candidate, or candidates in the event of a tie, receiving
696 the next highest vote for the office shall be placed on the ballot
697 in the runoff election. The person receiving the highest number
698 of votes cast by the qualified electors in the runoff election
699 shall be elected. The clerk of the municipal election commission
700 shall give a certificate of election to the person elected and
701 shall return to the Secretary of State a copy of the order of
702 holding the election and its results, certified by the municipal
703 clerk. The Governor shall commission the person elected to serve
704 the remainder of the unexpired term.

705 However, if nine (9) days before the date of the election
706 only one (1) person has qualified as a candidate, the governing
707 authority shall dispense with the election, and the remaining
708 members of the school board shall appoint that candidate to fill
709 the unexpired term. If no person has qualified at least nine (9)
710 days before the election, the governing authority shall dispense
711 with the election, and the remaining members of the school board
712 shall appoint a person, selected from the qualified electors of
713 the school board member district in which the vacancy exists, to
714 fill the unexpired term. The chairman of the school board shall
715 certify to the Secretary of State the fact of the appointment, and
716 the Governor shall commission the person appointed.

717 SECTION 4. Section 37-7-201, Mississippi Code of 1972, is
718 amended as follows:

719 **[Until January 1, 2003, this section will read as follows:]**

720 37-7-201. In order for a person to be eligible to hold the
721 office of trustee of any school district, such person must be a
722 bona fide resident and a qualified elector of such school
723 district, and, in the case of a school district lying in two (2)
724 or more counties, but not including municipal separate school



725 districts, such person must be a bona fide resident and a
726 qualified elector of the territory entitled to such representation
727 on the board.

728 **[From and after January 1, 2003, this section will read as**
729 **follows:]**

730 37-7-201. In order for a person to be eligible to be elected
731 to the office of school board member of any school district, the
732 person must be a bona fide resident and a qualified elector
733 of * * * the school board member district entitled to such
734 representation on the school board.

735 SECTION 5. Section 37-7-221, Mississippi Code of 1972, is
736 amended as follows:

737 37-7-221. The election of consolidated or consolidated line
738 school district trustees shall be held in the manner provided for
739 in Sections 37-7-223 through 37-7-229 * * *.

740 SECTION 6. Section 37-7-204, Mississippi Code of 1972, which
741 provides for the appointment of interim board members to fill
742 certain vacancies on the school boards of countywide municipal
743 separate school districts, shall be repealed on January 1, 2003.

744 SECTION 7. Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,
745 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
746 certain methods for electing trustees from added territory of
747 municipal separate school districts, shall be repealed on January
748 1, 2003.

749 SECTION 8. Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,
750 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which
751 provide various methods for selecting trustees of special
752 municipal separate school districts, shall be repealed on January
753 1, 2003.

754 SECTION 9. The Attorney General of the State of Mississippi
755 shall submit this act, immediately upon approval by the Governor,
756 or upon approval by the Legislature subsequent to a veto, to the
757 Attorney General of the United States or to the United States



758 District Court for the District of Columbia in accordance with the
759 provisions of the Voting Rights Act of 1965, as amended and
760 extended.

761 SECTION 10. This act shall take effect and be in force from
762 and after the date it is effectuated under Section 5 of the Voting
763 Rights Act of 1965, as amended and extended.

