

By: Senator(s) Tollison

To: Education; Elections

SENATE BILL NO. 3016

1 AN ACT TO AMEND SECTIONS 37-5-1, 37-5-18, 37-7-203 AND  
2 37-7-207, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL  
3 BOARDS TO REAPPORTION THEIR RESPECTIVE ELECTION DISTRICTS; AND FOR  
4 RELATED PURPOSES.

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

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

8 37-5-1. (1) There is hereby established a county board of  
9 education in each county of the State of Mississippi. Said county  
10 board of education shall consist of five (5) members, one (1) of  
11 which, subject to the further provisions of this chapter and  
12 except as is otherwise provided in Section 37-5-1(2), shall be  
13 elected by the qualified electors of each board of education  
14 district of the county. Except as is otherwise provided in  
15 Section 37-5-3, each member so elected shall be a resident and  
16 qualified elector of the district from which he is elected.

17 (2) \* \* \* The county board of education shall apportion the  
18 county school district into five (5) single member board of  
19 education districts. The county board of education shall place  
20 upon its minutes the boundaries determined for the new five (5)  
21 board of education districts. The board of education of said  
22 county shall thereafter publish the same in some newspaper of  
23 general circulation within said county for at least three (3)  
24 consecutive weeks and after having given notice of publication and  
25 recording the same upon the minutes of the board of education of  
26 said county, said new district lines will thereafter be effective.  
27 The board of education of said county shall reapportion the board

28 of education districts in accordance with the procedure described  
29 herein for the original apportionment of districts as soon as  
30 practicable after the results of the 2000 decennial census are  
31 published and as soon as practicable after every decennial census  
32 thereafter.

33 (3) In counties where the office of "administrative  
34 superintendent" as defined in Section 37-6-3, Mississippi Code of  
35 1972, has been abolished, there shall be no county board of  
36 education.

37 SECTION 2. Section 37-5-18, Mississippi Code of 1972, is  
38 amended as follows:

39 37-5-18. In any county bordering on the Mississippi Sound  
40 and having therein at least four (4) municipal separate school  
41 districts, each member of the county board of education  
42 established by Section 37-5-1 for such county shall be elected  
43 from and shall be a resident and qualified elector in a special  
44 district determined in the following manner:

45 The board of education of such a county shall apportion the  
46 county into five (5) board of education districts in the territory  
47 outside the municipal separate school districts and these board of  
48 education districts shall be divided as nearly equal as possible  
49 according to population, incumbency and other factors heretofore  
50 pronounced by the courts. The board of education shall place upon  
51 its minutes the boundaries determined for the new five (5) board  
52 of education districts. The board of education of said county  
53 shall thereafter publish the same in some newspaper of general  
54 circulation within said county for at least three (3) consecutive  
55 weeks and after having given notice of publication and recording  
56 the same upon the minutes of the board of education of said  
57 county, said new district lines will thereafter be effective.

58 All incumbents now holding office within the district as  
59 presently constituted shall continue holding their respective  
60 offices provided they reside within the new district for the

61 remainder of the term of office to which they have heretofore been  
62 elected and all members from the respective district shall be  
63 elected from the new board of education district constituted as  
64 herein provided in the same manner provided by law for the  
65 election of members of the county board of education. Any  
66 vacancies in the office, whether occasioned by redistricting or by  
67 other cause, shall be filled in the manner presently provided by  
68 law for the filling of vacancies.

69 SECTION 3. Section 37-7-203, Mississippi Code of 1972, is  
70 amended as follows:

71 37-7-203. (1) The boards of trustees of all municipal  
72 separate school districts created under the provisions of Article  
73 1 of this chapter, either with or without added territory, shall  
74 consist of five (5) members, each to be chosen for a term of five  
75 (5) years, but so chosen that the term of office of one (1) member  
76 shall expire each year. In the event the added territory of a  
77 municipal separate school district furnishes fifteen percent (15%)  
78 or more of the pupils enrolled in the schools of such district,  
79 then at least one (1) member of the board of trustees of such  
80 school district shall be a resident of the added territory outside  
81 the corporate limits. In the event the added territory of a  
82 municipal separate school district furnishes thirty percent (30%)  
83 or more of the pupils enrolled in the schools of such district,  
84 then not more than two (2) members of the board of trustees of  
85 such school district shall be residents of the added territory  
86 outside the corporate limits. In the event the added territory of  
87 a municipal separate school district in a county in which  
88 Mississippi Highways 8 and 15 intersect furnishes thirty percent  
89 (30%) or more of the pupils enrolled in the schools of such  
90 district, then the five (5) members of the board of trustees of  
91 such school district shall be elected at large from such school  
92 district for a term of five (5) years each except that the two (2)  
93 elected trustees presently serving on such board shall continue to

94 serve for their respective terms of office. The three (3)  
95 appointed trustees presently serving on such board shall continue  
96 to serve until their successors are elected in March of 1975 in  
97 the manner provided for in Section 37-7-215. At such election,  
98 one (1) trustee shall be elected for a term of two (2) years, one  
99 (1) for a term of three (3) years and one (1) for a term of five  
100 (5) years. Subsequent terms for each successor trustee shall be  
101 for five (5) years. In the event one (1) of two (2) municipal  
102 separate school districts located in any county with two (2)  
103 judicial districts, District 1 being comprised of Supervisors  
104 Districts 1, 2, 4 and 5, and District 2 being comprised of  
105 Supervisors District 3, with added territory embraces three (3)  
106 full supervisors districts of a county, one (1) trustee shall be  
107 elected from each of the three (3) supervisors districts outside  
108 the corporate limits of the municipality. In the further event  
109 that the territory of a municipal separate school district located  
110 in any county with two (2) judicial districts, District 1 being  
111 comprised of Supervisors Districts 1, 2, 4 and 5, and District 2  
112 being comprised of Supervisors District 3, with added territory  
113 embraces four (4) full supervisors districts in the county, and in  
114 any county in which a municipal separate school district embraces  
115 the entire county in which Highways 14 and 15 intersect, one (1)  
116 trustee shall be elected from each supervisors district.

117 Except as otherwise provided herein, the trustees of such a  
118 municipal separate school district shall be elected by a majority  
119 of the governing authorities of the municipality at the first  
120 meeting of the governing authorities held in the month of February  
121 of each year, and the term of office of the member so elected  
122 shall commence on the first Saturday of March following. In the  
123 case of a member of said board of trustees who is required to come  
124 from the added territory outside the corporate limits as is above  
125 provided, such member of the board of trustees shall be elected by  
126 the qualified electors of the school district residing in such

127 added territory outside the corporate limits at the same time and  
128 in the same manner as is otherwise provided in this article for  
129 the election of trustees of school districts other than municipal  
130 separate school districts.

131 In the event that a portion of a county school district is  
132 reconstituted, in the manner provided by law, into a municipal  
133 separate school district with added territory and in the event  
134 that the trustees to be elected from the added territory are  
135 requested to be elected from separate election districts within  
136 the added territory, instead of elected at-large, by the Attorney  
137 General of the United States as a result of and pursuant to  
138 preclearance under Section 5 of the Voting Rights Act of 1965 as  
139 amended and extended, and in the event the added territory of a  
140 municipal separate school district of a municipality furnishes  
141 thirty percent (30%) or more of the pupils enrolled in the schools  
142 of such district, then two (2) members of the board of trustees  
143 shall be residents of the added territory outside the corporate  
144 limits of such municipality and shall be elected from special  
145 trustee election districts by the qualified electors thereof as  
146 herein provided. The board of trustees of the school district  
147 shall apportion the added territory into two (2) special trustee  
148 election districts as nearly as possible according to population  
149 and other factors heretofore pronounced by the courts. The board  
150 of trustees of the school district shall thereafter publish the  
151 same in a newspaper of general circulation within said school  
152 district for at least two (2) consecutive weeks; and after having  
153 given notice of publication and recording the same upon the  
154 minutes of the board of trustees of the school district, said new  
155 district lines shall thereafter be effective. Any person elected  
156 from the new trustee election districts constituted herein shall  
157 be elected in the manner provided for in Section 37-7-215 for a  
158 term of five (5) years. Any vacancy in the office of a trustee  
159 elected from such trustee election district, whether occasioned by

160 redistricting or by other cause, shall be filled by appointment of  
161 the governing authorities of the municipality, provided that the  
162 person so appointed shall serve only until the first Saturday of  
163 March following his appointment, at which time a person shall be  
164 elected for the remainder of the unexpired term in the manner  
165 provided in Section 37-7-215.

166 In any county organizing a countywide municipal separate  
167 school district after January 1, 1965, the trustees thereof to be  
168 elected from outside the municipality, such trustees shall be  
169 elected by the board of supervisors of such county, and the  
170 superintendent of such school district shall have authority to pay  
171 out and distribute the funds of said district. In the event a  
172 municipal separate school district should occupy territory in a  
173 county other than that in which the municipality is located and  
174 fifteen percent (15%) or more of the pupils enrolled in the  
175 schools of such district shall come from the territory of the  
176 district in the county other than that in which the municipality  
177 is located, the territory of such county in which the municipality  
178 is not located shall be entitled to one (1) member on the board of  
179 trustees of such school district. Said trustee shall be a  
180 resident of the territory of that part of the district lying in  
181 the county in which the municipality is not located and shall be  
182 elected by the qualified electors of the territory of such county  
183 at the same time and in the same manner as is provided for the  
184 election of trustees of school districts other than municipal  
185 separate school districts having territory in two (2) or more  
186 counties.

187 All vacancies shall be filled for the unexpired terms by  
188 appointment of the governing authorities of the municipality;  
189 except that in the case of the trustees coming from the added  
190 territory outside the corporate limits, the person so appointed  
191 shall serve only until the first Saturday of March following his  
192 appointment, at which time a person shall be elected for the

193 remainder of the unexpired term in the manner otherwise provided  
194 herein.

195 No person who is a member of such governing body, or who is  
196 an employee of the municipality, or who is a member of the county  
197 board of education, or who is a trustee of any public, private or  
198 sectarian school or college located in the county, inclusive of  
199 the municipal separate school district, or who is a teacher in or  
200 a trustee of said school district, shall be eligible for  
201 appointment to said board of trustees.

202 (2) In counties of less than fifteen thousand (15,000)  
203 people having a municipal separate school district with added  
204 territory which embraces all the territory of a county, one (1) or  
205 more trustees of such district shall be nominated from each  
206 supervisors district upon petition of fifty (50) qualified  
207 electors of said district, or twenty percent (20%) of the  
208 qualified electors of such district, whichever number shall be  
209 smaller, and shall be elected by a plurality of the vote of the  
210 qualified electors of said county. One (1) trustee so elected  
211 shall reside in each supervisors district of the county. In such  
212 counties embraced entirely by a municipal separate school district  
213 there shall be no county board of education after the formation of  
214 such district and the county superintendent of education shall act  
215 as superintendent of schools of said district and shall be  
216 appointed by the board of trustees of said district, and the  
217 provisions of subsection (1) of this section and the first  
218 paragraph of Section 37-7-211 shall not apply to such districts.

219 SECTION 4. Section 37-7-207, Mississippi Code of 1972, is  
220 amended as follows:

221 **[Until such time as Section 1 of Laws, 1990, ch. 567, is**  
222 **effectuated under Section 5 of the Voting Rights Act of 1965, as**  
223 **amended and extended, this section will read as follows:]**

224 37-7-207. (1) All school districts reconstituted or created  
225 under the provisions of Article 1 of this chapter, and which lie

226 wholly within one (1) county, but not including municipal separate  
227 and countywide districts, shall be governed by a board of five (5)  
228 trustees. The first board of trustees of such districts shall be  
229 appointed by the county board of education, and the original  
230 appointments shall be so made that one (1) trustee shall be  
231 appointed to serve until the first Saturday of March following  
232 such appointments, one (1) for one (1) year longer, one (1) for  
233 two (2) years longer, one (1) for three (3) years longer, and one  
234 (1) for four (4) years longer. After such original appointments,  
235 the trustees of such school districts shall be elected by the  
236 qualified electors of such school districts in the manner provided  
237 for in Sections 37-7-223 through 37-7-229, with each trustee to be  
238 elected for a term of five (5) years. The five (5) members of the  
239 board of trustees of such consolidated school district shall be  
240 elected from special trustee election districts by the qualified  
241 electors thereof, as herein provided. \* \* \* The board of trustees  
242 of any such consolidated school district \* \* \* shall apportion the  
243 consolidated school district into five (5) special trustee  
244 election districts. The board of trustees of such school district  
245 shall place upon its minutes the boundaries determined for the new  
246 five (5) trustee election districts. The board of trustees shall  
247 thereafter publish the same in a newspaper of general circulation  
248 within said school district for at least three (3) consecutive  
249 weeks; and after having given notice of publication and recording  
250 the same upon the minutes of the board of trustees, said new  
251 district lines shall thereafter be effective.

252 On the first Tuesday after the first Monday in November, in  
253 any year in which any consolidated school district shall elect to  
254 utilize the authority to create single member election districts,  
255 an election shall be held in each such district in this state for  
256 the purpose of electing the board of trustees of such district.  
257 At said election the member of the said board from District One  
258 shall be elected for a term of one (1) year, the member from



259 District Two shall be elected for a term of two (2) years, the  
260 member from District Three shall be elected for a term of three  
261 (3) years, the member from District Four shall be elected for a  
262 term of four (4) years, and the member from District Five shall be  
263 elected for a term of five (5) years. Thereafter, members shall  
264 be elected at general elections as vacancies occur for terms of  
265 five (5) years each. Trustees elected from single member election  
266 districts as provided above shall otherwise be elected as provided  
267 for in Sections 37-7-223 through 37-7-229. All members of the  
268 said board of trustees shall take office on the first Monday of  
269 January following the date of their election. All vacancies which  
270 may occur during a term shall be filled by appointment of the  
271 consolidated school district trustees, but the person so appointed  
272 shall serve only until the next general election following such  
273 appointment, at which time a person shall be elected for the  
274 remainder of the unexpired term at the same time and in the same  
275 manner as a trustee is elected for the full term then expiring.  
276 The person so elected to the unexpired term shall take office  
277 immediately. Said appointee shall be selected from the qualified  
278 electors of the district in which the vacancy occurs.

279 (2) All school districts reconstituted and created under the  
280 provisions of Article 1 of this chapter, which embrace territory  
281 in two (2) or more counties, but not including municipal separate  
282 school districts, shall be governed by a board of five (5)  
283 trustees. In making the original appointments, the several county  
284 boards of education shall appoint the trustee or trustees to which  
285 the territory in such county is entitled, and, by agreement  
286 between the county boards concerned, one (1) person shall be  
287 appointed to serve until the first Saturday of March following,  
288 one (1) for one (1) year longer, one (1) for two (2) years longer,  
289 one (1) for three (3) years longer and one (1) for four (4) years  
290 longer. Thereafter, such trustees shall be elected as is provided  
291 for in Sections 37-7-223 through 37-7-229, for a term of five (5)

292 years. The five (5) members of the board of trustees of such line  
293 consolidated school district shall be elected from special trustee  
294 election districts by the qualified electors thereof, as herein  
295 provided. \* \* \* The existing board of trustees of such line  
296 consolidated school district \* \* \* shall apportion the line  
297 consolidated school district into five (5) special trustee  
298 election districts. The board of trustees shall place upon its  
299 minutes the boundaries determined for the new five (5) trustee  
300 election districts. The board of trustees shall thereafter  
301 publish the same in a newspaper of general circulation within said  
302 school district for at least three (3) consecutive weeks; and  
303 after having given notice of publication and recording the same  
304 upon the minutes of the board of trustees, said new district lines  
305 shall thereafter be effective.

306 On the first Tuesday after the first Monday in November, in  
307 any year in which any line consolidated school district shall  
308 elect to utilize the authority to create single member election  
309 districts, an election shall be held in each such district in this  
310 state for the purpose of electing the board of trustees of such  
311 district. At said election the member of the said board from  
312 District One shall be elected for a term of one (1) year, the  
313 member from District Two shall be elected for a term of two (2)  
314 years, the member from District Three shall be elected for a term  
315 of three (3) years, the member from District Four shall be elected  
316 for a term of four (4) years, and the member from District Five  
317 shall be elected for a term of five (5) years. Thereafter,  
318 members shall be elected at general elections as vacancies occur  
319 for terms of five (5) years each. Trustees elected from single  
320 member election districts as provided above shall otherwise be  
321 elected as provided for in Sections 37-7-223 through 37-7-229.  
322 All members of the said board of trustees shall take office on the  
323 first Monday of January following the date of their election. In  
324 all elections, the trustee elected shall be a resident and

325 qualified elector of the district entitled to the representation  
326 upon the board, and he shall be elected only by the qualified  
327 electors of such district. All vacancies which may occur during a  
328 term of office shall be filled by appointment of the consolidated  
329 line school district trustees, but the person so appointed shall  
330 serve only until the next general election following such  
331 appointment, at which time a person shall be elected for the  
332 remainder of the unexpired term at the same time and in the same  
333 manner as the trustee is elected for the full term then expiring.  
334 The person so elected to the unexpired term shall take office  
335 immediately.

336 **[From and after such time as Section 1 of Laws, 1990, ch.**  
337 **567, is effectuated under Section 5 of the Voting Rights Act of**  
338 **1965, as amended and extended, this section will read as follows:]**

339 37-7-207. (1) All school districts reconstituted or created  
340 under the provisions of Article 1 of this chapter, and which lie  
341 wholly within one (1) county, but not including municipal separate  
342 and countywide districts, shall be governed by a board of five (5)  
343 trustees. The first board of trustees of such districts shall be  
344 appointed by the county board of education, and the original  
345 appointments shall be so made that one (1) trustee shall be  
346 appointed to serve until the first Saturday of March following  
347 such appointments, one (1) for one (1) year longer, one (1) for  
348 two (2) years longer, one (1) for three (3) years longer, and one  
349 (1) for four (4) years longer. After such original appointments,  
350 the trustees of such school districts shall be elected by the  
351 qualified electors of such school districts in the manner provided  
352 for in Sections 37-7-223 through 37-7-229, Mississippi Code of  
353 1972, with each trustee to be elected for a term of five (5)  
354 years. The five (5) members of the board of trustees of such  
355 consolidated school district may be elected from special trustee  
356 election districts by the qualified electors thereof, as herein  
357 provided. \* \* \* The board of trustees of such consolidated school

358 district shall apportion the consolidated school district into  
359 five (5) special trustee election districts. The board of  
360 trustees of such consolidated school district shall place upon its  
361 minutes the boundaries determined for the new five (5) trustee  
362 election districts. The board of trustees shall thereafter  
363 publish the same in a newspaper of general circulation within said  
364 school district for at least three (3) consecutive weeks; and  
365 after having given notice of publication and recording the same  
366 upon the minutes of the board of trustees, said new district lines  
367 shall thereafter be effective.

368       On the first Tuesday after the first Monday in November, in  
369 any year in which any consolidated school district shall elect to  
370 utilize the authority to create single member election districts,  
371 an election shall be held in each such district in this state for  
372 the purpose of electing the board of trustees of such district.  
373 At said election the member of the said board from District One  
374 shall be elected for a term of one (1) year, the member from  
375 District Two shall be elected for a term of two (2) years, the  
376 member from District Three shall be elected for a term of three  
377 (3) years, the member from District Four shall be elected for a  
378 term of four (4) years, and the member from District Five shall be  
379 elected for a term of five (5) years. Thereafter, members shall  
380 be elected at general elections as vacancies occur for terms of  
381 five (5) years each. Trustees elected from single member election  
382 districts as provided above shall otherwise be elected as provided  
383 for in Sections 37-7-223 through 37-7-229, Mississippi Code of  
384 1972. All members of the said board of trustees shall take office  
385 on the first Monday of January following the date of their  
386 election. All vacancies which may occur during a term shall be  
387 filled by appointment of the consolidated school district  
388 trustees, but the person so appointed shall serve only until the  
389 next general election following such appointment, at which time a  
390 person shall be elected for the remainder of the unexpired term at

391 the same time and in the same manner as a trustee is elected for  
392 the full term then expiring. The person so elected to the  
393 unexpired term shall take office immediately. Said appointee  
394 shall be selected from the qualified electors of the district in  
395 which the vacancy occurs.

396 (2) All school districts reconstituted and created under the  
397 provisions of Article 1 of this chapter, which embrace territory  
398 in two (2) or more counties, but not including municipal separate  
399 school districts, shall be governed by a board of five (5)  
400 trustees. In making the original appointments, the several county  
401 boards of education shall appoint the trustee or trustees to which  
402 the territory in such county is entitled, and, by agreement  
403 between the county boards concerned, one (1) person shall be  
404 appointed to serve until the first Saturday of March following  
405 such appointments, one (1) for one (1) year longer, one (1) for  
406 two (2) years longer, one (1) for three (3) years longer and one  
407 (1) for four (4) years longer. Thereafter, such trustees shall be  
408 elected as is provided for in Sections 37-7-223 through 37-7-229,  
409 Mississippi Code of 1972, for a term of five (5) years. The five  
410 (5) members of the board of trustees of such line consolidated  
411 school district may be elected from special trustee election  
412 districts by the qualified electors thereof, as herein  
413 provided. \* \* \* The board of trustees of any such line  
414 consolidated school district \* \* \* shall apportion the line  
415 consolidated school district into five (5) special trustee  
416 election districts. The board of trustees shall place upon its  
417 minutes the boundaries determined for the new five (5) trustee  
418 election districts. The board of trustees shall thereafter  
419 publish the same in a newspaper of general circulation within said  
420 school district for at least three (3) consecutive weeks; and  
421 after having given notice of publication and recording the same  
422 upon the minutes of the board of trustees, said new district lines  
423 shall thereafter be effective.

424           On the first Tuesday after the first Monday in November, in  
425 any year in which any line consolidated school district shall  
426 elect to utilize the authority to create single member election  
427 districts, an election shall be held in each such district in this  
428 state for the purpose of electing the board of trustees of such  
429 district. At said election the member of the said board from  
430 District One shall be elected for a term of one (1) year, the  
431 member from District Two shall be elected for a term of two (2)  
432 years, the member from District Three shall be elected for a term  
433 of three (3) years, the member from District Four shall be elected  
434 for a term of four (4) years, and the member from District Five  
435 shall be elected for a term of five (5) years. Thereafter,  
436 members shall be elected at general elections as vacancies occur  
437 for terms of five (5) years each. Trustees elected from single  
438 member election districts as provided above shall otherwise be  
439 elected as provided for in Sections 37-7-223 through 37-7-229,  
440 Mississippi Code of 1972. All members of the said board of  
441 trustees shall take office on the first Monday of January  
442 following the date of their election. In all such elections, the  
443 trustee elected shall be a resident and qualified elector of the  
444 district entitled to the representation upon the board, and he  
445 shall be elected only by the qualified electors of such district.  
446 All vacancies which may occur during a term of office shall be  
447 filled by appointment of the consolidated line school district  
448 trustees, but the person so appointed shall serve only until the  
449 next general election following such appointment, at which time a  
450 person shall be elected for the remainder of the unexpired term at  
451 the same time and in the same manner as the trustee is elected for  
452 the full term then expiring. The person so elected to the  
453 unexpired term shall take office immediately.

454           SECTION 5. The Attorney General of the State of Mississippi  
455 shall submit this act, immediately upon approval by the Governor,  
456 or upon approval by the Legislature subsequent to a veto, to the

457 Attorney General of the United States or to the United States  
458 District Court for the District of Columbia in accordance with the  
459 provisions of the Voting Rights Act of 1965, as amended and  
460 extended.

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