SENATE BILL NO. 3016

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

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

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

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

(2) * * * The county board of education shall apportion the county school district into five (5) single member board of education districts. The county board of education shall place upon its minutes the boundaries determined for the new five (5) board of education districts. The board of education of said county shall thereafter publish the same in some newspaper of general circulation within said county for at least three (3) consecutive weeks and after having given notice of publication and recording the same upon the minutes of the board of education of said county, said new district lines will thereafter be effective. The board of education of said county shall reapportion the board...
of education districts in accordance with the procedure described herein for the original apportionment of districts as soon as practicable after the results of the 2000 decennial census are published and as soon as practicable after every decennial census thereafter.

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

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

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

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

All incumbents now holding office within the district as presently constituted shall continue holding their respective offices provided they reside within the new district for the
remainder of the term of office to which they have heretofore been elected and all members from the respective district shall be elected from the new board of education district constituted as herein provided in the same manner provided by law for the election of members of the county board of education. Any vacancies in the office, whether occasioned by redistricting or by other cause, shall be filled in the manner presently provided by law for the filling of vacancies.

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

37-7-203. (1) The boards of trustees of all municipal separate school districts created under the provisions of Article 1 of this chapter, either with or without added territory, shall consist of five (5) members, each to be chosen for a term of five (5) years, but so chosen that the term of office of one (1) member shall expire each year. In the event the added territory of a municipal separate school district furnishes fifteen percent (15%) or more of the pupils enrolled in the schools of such district, then at least one (1) member of the board of trustees of such school district shall be a resident of the added territory outside the corporate limits. In the event the added territory of a municipal separate school district furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then not more than two (2) members of the board of trustees of such school district shall be residents of the added territory outside the corporate limits. In the event the added territory of a municipal separate school district in a county in which Mississippi Highways 8 and 15 intersect furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then the five (5) members of the board of trustees of such school district shall be elected at large from such school district for a term of five (5) years each except that the two (2) elected trustees presently serving on such board shall continue to
serve for their respective terms of office. The three (3)
appointed trustees presently serving on such board shall continue
to serve until their successors are elected in March of 1975 in
the manner provided for in Section 37-7-215. At such election,
one (1) trustee shall be elected for a term of two (2) years, one
(1) for a term of three (3) years and one (1) for a term of five
(5) years. Subsequent terms for each successor trustee shall be
for five (5) years. In the event one (1) of two (2) municipal
separate school districts located in any county with two (2)
judicial districts, District 1 being comprised of Supervisors
Districts 1, 2, 4 and 5, and District 2 being comprised of
Supervisors District 3, with added territory embraces three (3)
full supervisors districts of a county, one (1) trustee shall be
elected from each of the three (3) supervisors districts outside
the corporate limits of the municipality. In the further event
that the territory of a municipal separate school district located
in any county with two (2) judicial districts, District 1 being
comprised of Supervisors Districts 1, 2, 4 and 5, and District 2
being comprised of Supervisors District 3, with added territory
embraces four (4) full supervisors districts in the county, and in
any county in which a municipal separate school district embraces
the entire county in which Highways 14 and 15 intersect, one (1)
trustee shall be elected from each supervisors district.

Except as otherwise provided herein, the trustees of such a
municipal separate school district shall be elected by a majority
of the governing authorities of the municipality at the first
meeting of the governing authorities held in the month of February
of each year, and the term of office of the member so elected
shall commence on the first Saturday of March following. In the
case of a member of said board of trustees who is required to come
from the added territory outside the corporate limits as is above
provided, such member of the board of trustees shall be elected by
the qualified electors of the school district residing in such
added territory outside the corporate limits at the same time and
in the same manner as is otherwise provided in this article for
the election of trustees of school districts other than municipal
separate school districts.

In the event that a portion of a county school district is
reconstituted, in the manner provided by law, into a municipal
separate school district with added territory and in the event
that the trustees to be elected from the added territory are
requested to be elected from separate election districts within
the added territory, instead of elected at-large, by the Attorney
General of the United States as a result of and pursuant to
 preclearance under Section 5 of the Voting Rights Act of 1965 as
amended and extended, and in the event the added territory of a
municipal separate school district of a municipality furnishes
thirty percent (30%) or more of the pupils enrolled in the schools
of such district, then two (2) members of the board of trustees
shall be residents of the added territory outside the corporate
limits of such municipality and shall be elected from special
trustee election districts by the qualified electors thereof as
herein provided. The board of trustees of the school district
shall apportion the added territory into two (2) special trustee
election districts as nearly as possible according to population
and other factors heretofore pronounced by the courts. The board
of trustees of the school district shall thereafter publish the
same in a newspaper of general circulation within said school
district for at least two (2) consecutive weeks; and after having
given notice of publication and recording the same upon the
minutes of the board of trustees of the school district, said new
district lines shall thereafter be effective. Any person elected
from the new trustee election districts constituted herein shall
be elected in the manner provided for in Section 37-7-215 for a
term of five (5) years. Any vacancy in the office of a trustee
elected from such trustee election district, whether occasioned by
redistricting or by other cause, shall be filled by appointment of
the governing authorities of the municipality, provided that the
person so appointed shall serve only until the first Saturday of
March following his appointment, at which time a person shall be
elected for the remainder of the unexpired term in the manner
provided in Section 37-7-215.

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

All vacancies shall be filled for the unexpired terms by
appointment of the governing authorities of the municipality;
except that in the case of the trustees coming from the added
territory outside the corporate limits, the person so appointed
shall serve only until the first Saturday of March following his
appointment, at which time a person shall be elected for the
remainder of the unexpired term in the manner otherwise provided herein.

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

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

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

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

37-7-207. (1) All school districts reconstituted or created under the provisions of Article 1 of this chapter, and which lie...
wholly within one (1) county, but not including municipal separate
and countywide districts, shall be governed by a board of five (5)
trustees. The first board of trustees of such districts shall be
appointed by the county board of education, and the original
appointments shall be so made that one (1) trustee shall be
appointed to serve until the first Saturday of March following
such appointments, one (1) for one (1) year longer, one (1) for
two (2) years longer, one (1) for three (3) years longer, and one
(1) for four (4) years longer. After such original appointments,
the trustees of such school districts shall be elected by the
qualified electors of such school districts in the manner provided
for in Sections 37-7-223 through 37-7-229, with each trustee to be
elected for a term of five (5) years. The five (5) members of the
board of trustees of such consolidated school district shall be
elected from special trustee election districts by the qualified
electors thereof, as herein provided. * * * The board of trustees
of any such consolidated school district * * * shall apportion the
consolidated school district into five (5) special trustee
election districts. The board of trustees of such school district
shall place upon its minutes the boundaries determined for the new
five (5) trustee election districts. The board of trustees shall
thereafter publish the same in a newspaper of general circulation
within said school district for at least three (3) consecutive
weeks; and after having given notice of publication and recording
the same upon the minutes of the board of trustees, said new
district lines shall thereafter be effective.

On the first Tuesday after the first Monday in November, in
any year in which any consolidated school district shall elect to
utilize the authority to create single member election districts,
an election shall be held in each such district in this state for
the purpose of electing the board of trustees of such district.
At said election the member of the said board from District One
shall be elected for a term of one (1) year, the member from
District Two shall be elected for a term of two (2) years, the member from District Three shall be elected for a term of three (3) years, the member from District Four shall be elected for a term of four (4) years, and the member from District Five shall be elected for a term of five (5) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of five (5) years each. Trustees elected from single member election districts as provided above shall otherwise be elected as provided for in Sections 37-7-223 through 37-7-229. All members of the said board of trustees shall take office on the first Monday of January following the date of their election. All vacancies which may occur during a term shall be filled by appointment of the consolidated school district trustees, but the person so appointed shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as a trustee is elected for the full term then expiring. The person so elected to the unexpired term shall take office immediately. Said appointee shall be selected from the qualified electors of the district in which the vacancy occurs.

(2) All school districts reconstituted and created under the provisions of Article 1 of this chapter, which embrace territory in two (2) or more counties, but not including municipal separate school districts, shall be governed by a board of five (5) trustees. In making the original appointments, the several county boards of education shall appoint the trustee or trustees to which the territory in such county is entitled, and, by agreement between the county boards concerned, one (1) person shall be appointed to serve until the first Saturday of March following, one (1) for one (1) year longer, one (1) for two (2) years longer, one (1) for three (3) years longer and one (1) for four (4) years longer. Thereafter, such trustees shall be elected as is provided for in Sections 37-7-223 through 37-7-229, for a term of five (5)
years. The five (5) members of the board of trustees of such line consolidated school district shall be elected from special trustee election districts by the qualified electors thereof, as herein provided. * * * The existing board of trustees of such line consolidated school district * * * shall apportion the line consolidated school district into five (5) special trustee election districts. The board of trustees shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The board of trustees shall thereafter publish the same in a newspaper of general circulation within said school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees, said new district lines shall thereafter be effective.

On the first Tuesday after the first Monday in November, in any year in which any line consolidated school district shall elect to utilize the authority to create single member election districts, an election shall be held in each such district in this state for the purpose of electing the board of trustees of such district. At said election the member of the said board from District One shall be elected for a term of one (1) year, the member from District Two shall be elected for a term of two (2) years, the member from District Three shall be elected for a term of three (3) years, the member from District Four shall be elected for a term of four (4) years, and the member from District Five shall be elected for a term of five (5) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of five (5) years each. Trustees elected from single member election districts as provided above shall otherwise be elected as provided for in Sections 37-7-223 through 37-7-229. All members of the said board of trustees shall take office on the first Monday of January following the date of their election. In all elections, the trustee elected shall be a resident and
qualified elector of the district entitled to the representation upon the board, and he shall be elected only by the qualified electors of such district. All vacancies which may occur during a term of office shall be filled by appointment of the consolidated line school district trustees, but the person so appointed shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as the trustee is elected for the full term then expiring. The person so elected to the unexpired term shall take office immediately.

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

37-7-207. (1) All school districts reconstituted or created under the provisions of Article 1 of this chapter, and which lie wholly within one (1) county, but not including municipal separate and countywide districts, shall be governed by a board of five (5) trustees. The first board of trustees of such districts shall be appointed by the county board of education, and the original appointments shall be so made that one (1) trustee shall be appointed to serve until the first Saturday of March following such appointments, one (1) for one (1) year longer, one (1) for two (2) years longer, one (1) for three (3) years longer, and one (1) for four (4) years longer. After such original appointments, the trustees of such school districts shall be elected by the qualified electors of such school districts in the manner provided for in Sections 37-7-223 through 37-7-229, Mississippi Code of 1972, with each trustee to be elected for a term of five (5) years. The five (5) members of the board of trustees of such consolidated school district may be elected from special trustee election districts by the qualified electors thereof, as herein provided. ** The board of trustees of such consolidated school
district shall apportion the consolidated school district into five (5) special trustee election districts. The board of trustees of such consolidated school district shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The board of trustees shall thereafter publish the same in a newspaper of general circulation within said school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees, said new district lines shall thereafter be effective.

On the first Tuesday after the first Monday in November, in any year in which any consolidated school district shall elect to utilize the authority to create single member election districts, an election shall be held in each such district in this state for the purpose of electing the board of trustees of such district. At said election the member of the said board from District One shall be elected for a term of one (1) year, the member from District Two shall be elected for a term of two (2) years, the member from District Three shall be elected for a term of three (3) years, the member from District Four shall be elected for a term of four (4) years, and the member from District Five shall be elected for a term of five (5) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of five (5) years each. Trustees elected from single member election districts as provided above shall otherwise be elected as provided for in Sections 37-7-223 through 37-7-229, Mississippi Code of 1972. All members of the said board of trustees shall take office on the first Monday of January following the date of their election. All vacancies which may occur during a term shall be filled by appointment of the consolidated school district trustees, but the person so appointed shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at
the same time and in the same manner as a trustee is elected for
the full term then expiring. The person so elected to the
unexpired term shall take office immediately. Said appointee
shall be selected from the qualified electors of the district in
which the vacancy occurs.

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

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

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

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