

By: Representative Warren

To: Education; Apportionment
and Elections

HOUSE BILL NO. 1146

1 AN ACT TO ESTABLISH A UNIFORM METHOD FOR ELECTING FIVE AND
2 APPOINTING FIVE SCHOOL BOARD MEMBERS IN ALL SCHOOL DISTRICTS; TO
3 PROVIDE FOR THE ELECTION OF THE ELECTED MEMBERS OF SCHOOL BOARDS
4 FROM SCHOOL BOARD MEMBER DISTRICTS BY THE QUALIFIED ELECTORS OF
5 SUCH DISTRICTS, TO DIRECT THE APPORTIONMENT OF THE SCHOOL
6 DISTRICTS INTO FIVE SCHOOL BOARD MEMBER DISTRICTS, TO ESTABLISH AN
7 ELECTION SCHEDULE IN ORDER TO PROVIDE FOR AN ORDERLY TRANSITION IN
8 THE MEMBERSHIP OF SCHOOL BOARDS FROM THE MEMBERS CURRENTLY SERVING
9 TO THE NEWLY CONSTITUTED SCHOOL BOARDS, TO PROVIDE FOR THE
10 ELECTION OF ALL ELECTED SCHOOL BOARD MEMBERS IN THE NOVEMBER
11 GENERAL ELECTION, TO PROVIDE FOR THE APPOINTMENT OF FIVE MEMBERS
12 TO THE SCHOOL BOARD BY THE GOVERNING AUTHORITY OF THE MUNICIPALITY
13 OR THE BOARD OF SUPERVISORS, AND TO PRESCRIBE THE MANNER IN WHICH
14 VACANCIES ON THE SCHOOL BOARDS SHALL BE FILLED; TO AMEND SECTIONS
15 37-5-7, 37-7-203, 37-7-207 AND 37-7-707, MISSISSIPPI CODE OF 1972,
16 IN CONFORMITY THERETO; TO REPEAL SECTION 37-6-7, MISSISSIPPI CODE
17 OF 1972, WHICH PROVIDES THAT ALL SCHOOL DISTRICTS SHALL BE
18 GOVERNED BY A FIVE-MEMBER SCHOOL BOARD; TO AMEND SECTION 37-6-9,
19 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN THE CASE OF A TIE
20 VOTE ON ANY QUESTION BEFORE THE SCHOOL BOARD, THE SUPERINTENDENT
21 SHALL CAST THE DECIDING VOTE; TO REPEAL SECTIONS 37-5-1, 37-5-3,
22 37-5-9, 37-5-18 AND 37-5-19, MISSISSIPPI CODE OF 1972, WHICH
23 ESTABLISH THE COUNTY BOARD OF EDUCATION AND PROVIDE FOR THE
24 QUALIFICATIONS AND ELECTION OF BOARD MEMBERS AND FILLING OF
25 VACANCIES ON THE BOARD; TO REPEAL SECTION 37-7-201, MISSISSIPPI
26 CODE OF 1972, WHICH ESTABLISHES THE QUALIFICATIONS FOR THE OFFICE
27 OF SCHOOL BOARD MEMBER; TO REPEAL SECTION 37-7-204, MISSISSIPPI
28 CODE OF 1972, WHICH PROVIDES FOR THE APPOINTMENT OF INTERIM BOARD
29 MEMBERS TO FILL CERTAIN VACANCIES ON THE SCHOOL BOARDS OF
30 COUNTYWIDE MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO REPEAL SECTIONS
31 37-7-209 THROUGH 37-7-219, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
32 CERTAIN METHODS FOR ELECTING TRUSTEES FROM ADDED TERRITORY OF
33 MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO REPEAL SECTIONS 37-7-221
34 THROUGH 37-7-229, MISSISSIPPI CODE OF 1972, WHICH PROVIDE A
35 PROCEDURE FOR THE ELECTION OF CONSOLIDATED OR CONSOLIDATED LINE
36 SCHOOL DISTRICT TRUSTEES; TO REPEAL SECTION 37-7-703, MISSISSIPPI
37 CODE OF 1972, WHICH PROVIDES THE PROCEDURE FOR SELECTING TRUSTEES
38 IN SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS THAT EMBRACE THE
39 ENTIRE COUNTY, EFFECTIVE JANUARY 1, 2008; TO REPEAL SECTION
40 37-7-705, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE PROCEDURE
41 FOR SELECTING TRUSTEES IN SPECIAL MUNICIPAL SEPARATE SCHOOL
42 DISTRICTS THAT EMBRACE THE ENTIRE COUNTY AND IN WHICH A MAJORITY
43 OF THE INHABITANTS OF THE COUNTY RESIDE OUTSIDE THE CORPORATE
44 LIMITS OF THE MUNICIPALITY; TO REPEAL SECTIONS 37-7-709 THROUGH
45 37-7-717, MISSISSIPPI CODE OF 1972, WHICH PROVIDE VARIOUS METHODS
46 FOR SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL
47 DISTRICTS AND FILLING VACANCIES ON SUCH SCHOOL BOARDS; TO REPEAL
48 SECTION 37-7-723, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT IN
49 SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS EMBRACING AN ENTIRE
50 COUNTY, THE SCHOOL BOARD OF THE SPECIAL MUNICIPAL SEPARATE SCHOOL
51 DISTRICT SUPERSEDES THE COUNTY BOARD OF EDUCATION; AND FOR RELATED
52 PURPOSES.



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

54 **SECTION 1.** [Until January 1, 2008, this section will read as
55 **follows:]**

56 (1) The school board of each school district in the State of
57 Mississippi shall be the governing authority of the school
58 district and shall consist of ten (10) members. Beginning in
59 2003, five (5) members of the school board shall be elected from
60 special school board member districts in the manner provided under
61 this section, and five (5) members shall be appointed in the
62 manner provided under this section.

63 (2) The governing authority of a municipality having a
64 municipal separate school district (other than a countywide
65 municipal separate school district) or special municipal separate
66 school district shall apportion the school district, including any
67 added territory, into five (5) single school board member
68 districts. All other school districts shall be apportioned in the
69 same manner by the boards of supervisors. The school board member
70 districts must be as nearly equal as possible according to
71 population. The municipal governing authorities and boards of
72 supervisors shall submit the school board member district lines to
73 the Attorney General of the United States for preclearance or to
74 the United States District Court for the District of Columbia for
75 a declaratory judgment in accordance with the provisions of the
76 Voting Rights Act of 1965, as amended and extended. If the school
77 board member district lines in a school district are precleared by
78 the United States Department of Justice or approved by the United
79 States District Court, the municipal governing authority or board
80 of supervisors, as the case may be, and the school board of the
81 school district shall place upon their minutes the boundaries
82 established for the five (5) school board member districts, and
83 the school board shall publish the boundaries in a newspaper of
84 general circulation within the school district for at least three
85 (3) consecutive weeks. After having given notice of publication



86 and recording the publication upon the minutes of the school
87 board, the school board member district lines shall be effective.

88 (3) In order to provide for an orderly transition in the
89 elected membership of each school board from those members elected
90 or appointed to the school board under the laws in effect before
91 the effective date of House Bill No. _____, 2002 Regular Session,
92 to members elected under the provisions of House Bill No. _____,
93 2002 Regular Session, the following election schedule is
94 established for all school districts:

95 (a) On the first Tuesday after the first Monday in
96 November 2003, an election shall be held for the purpose of
97 electing a member of the school board to succeed the member whose
98 term of office is scheduled to expire in 2003. The term of office
99 of this member which is scheduled to expire in 2003 shall be
100 extended until the first Monday of January 2004, at which time the
101 member's duly elected successor shall take office. The member
102 elected in November 2003 must be a resident of the school board
103 member district in which the member whose term expires in January
104 2004 resides. The initial term of office of this elected member
105 of the school board shall expire on the first Monday of January
106 2008.

107 (b) On the first Tuesday after the first Monday in
108 November 2004, an election shall be held for the purpose of
109 electing a member of the school board to succeed the member whose
110 term of office expires in 2004. The term of office of this member
111 which is scheduled to expire in 2004 shall be extended until the
112 first Monday of January 2005, at which time the member's duly
113 elected successor shall take office. The member elected in
114 November 2004 must be a resident of the school board member
115 district in which the member whose term expires in January 2005
116 resides; however, if the member whose term expires in January 2005
117 is a resident of a school board member district from which a
118 member already has been elected under this section, then the



119 member elected under this paragraph must be a resident of the
120 lowest numbered school board member district that has not been
121 filled yet pursuant to this section. The initial term of office
122 of this elected member of the school board shall expire on the
123 first Monday of January 2008.

124 (c) On the first Tuesday after the first Monday in
125 November 2005, an election shall be held for the purpose of
126 electing a member of the school board to succeed the member whose
127 term of office expires in 2005. The term of office of this member
128 which is scheduled to expire in 2005 shall be extended until the
129 first Monday of January 2006, at which time the member's duly
130 elected successor shall take office. The member elected in
131 November 2005 must be a resident of the school board member
132 district in which the member whose term expires in January 2006
133 resides; however, if the member whose term expires in January 2006
134 is a resident of a school board member district from which a
135 member already has been elected under this section, then the
136 member elected under this paragraph must be a resident of the
137 lowest numbered school board member district that has not been
138 filled yet pursuant to this section. The initial term of office
139 of this elected member of the school board shall expire on the
140 first Monday of January 2008.

141 (d) On the first Tuesday after the first Monday in
142 November 2006, an election shall be held for the purpose of
143 electing a member of the school board to succeed the member whose
144 term of office expires in 2006. The term of office of this member
145 which is scheduled to expire in 2006 shall be extended until the
146 first Monday of January 2007, at which time the member's duly
147 elected successor shall take office. The member elected in
148 November 2006 must be a resident of the school board member
149 district in which the member whose term expires in January 2007
150 resides; however, if the member whose term expires in January 2007
151 is a resident of a school board member district from which a



152 member already has been elected under this section, then the
153 member elected under this paragraph must be a resident of the
154 lowest numbered school board member district that has not been
155 filled yet pursuant to this section. The initial term of office
156 of this elected member of the school board shall expire on the
157 first Monday of January 2008.

158 (e) On the first Tuesday after the first Monday in
159 November 2007, an election shall be held for the purpose of
160 electing a member of the school board to succeed the member whose
161 term of office expires in 2007. The term of office of this member
162 which is scheduled to expire in 2007 shall be extended until the
163 first Monday of January 2008, at which time the member's duly
164 elected successor shall take office. The member elected in
165 November 2007 must be a resident of the school board member
166 district that has not been filled yet pursuant to this section.
167 The initial term of office of this elected member of the school
168 board shall expire on the first Monday of January 2012.

169 Upon the expiration of the initial terms of office, all
170 persons elected to serve on the school board shall serve for a
171 term of four (4) years.

172 On the first Tuesday after the first Monday in November 2007,
173 and every four (4) years thereafter, the election of all elected
174 members of the school boards shall be held in the same manner and
175 at the same time as the general elections are held.

176 (4) In order for a person to be eligible to be elected to
177 serve on the school board, the person must be a bona fide resident
178 and qualified elector of the school board member district entitled
179 to such representation on the school board.

180 (5) Candidates for the school board shall file with the
181 county election commissioners, not more than ninety (90) days nor
182 less than sixty (60) days before the date of the election, a
183 petition of nomination signed by at least fifty (50) or twenty
184 percent (20%) of the qualified electors of the school board member



185 district, whichever is less. The name of each qualified candidate
186 shall be placed on the ballot. The election shall be held in the
187 same manner as the general elections are held. The candidate in
188 each school board member district who receives a majority of the
189 votes cast by the qualified electors in that district shall be
190 elected. However, if no candidate receives a majority of the
191 votes, a runoff election shall be held two (2) weeks after the
192 election. The names of the candidate receiving the highest number
193 of votes and the candidate, or candidates in the event of a tie,
194 receiving the next highest vote for the office shall be placed on
195 the ballot in the runoff election. The person receiving the
196 highest number of votes cast by the qualified electors in the
197 runoff election shall be elected. All persons elected to serve on
198 the school board shall take office on the first Monday of January
199 next following the date of their election.

200 (6) (a) In order for a person to be eligible to be
201 appointed to serve on the school board, the person must be a bona
202 fide resident and qualified elector of the school district. Each
203 appointed member shall serve for a term of four (4) years.

204 (b) Beginning in 2003 and every four (4) years
205 thereafter, the governing authority of a municipality having a
206 municipal separate school district (other than a countywide
207 municipal separate school district) or special municipal separate
208 school district shall appoint, by a majority vote of the members
209 of the governing authority, five (5) persons to serve on the
210 school board.

211 (c) In all other school districts, before the general
212 election in November 2003 and every four (4) years thereafter, the
213 board of supervisors of the county in which the school district is
214 situated shall appoint, by a majority vote of the members of the
215 board, five (5) persons to serve on the school board. In those
216 school districts embracing territory in more than one (1) county,
217 the board of supervisors of each county shall appoint a pro rata



218 number of members to the school board equal to the percentage of
219 students in the school district from the territory within that
220 county.

221 (d) All persons appointed to serve on the school board
222 under this subsection shall take office at the same time and place
223 as those members who are elected to serve on the school board, on
224 the first Monday of January next following the date of their
225 appointment.

226 (7) Whenever there is a vacancy in the membership of the
227 school board, the vacancy shall be filled, depending upon the
228 length of the unexpired term of the vacated office and whether the
229 office is an elected or appointed position, in the manner provided
230 under this subsection.

231 (a) If the unexpired term of an elected, vacated
232 office is six (6) months or less, the remaining members of the
233 school board shall appoint, within sixty (60) days after the
234 vacancy occurs, a person to serve the unexpired portion of the
235 term. The appointee shall be selected from the qualified electors
236 of the school board member district in which the vacancy occurs.
237 The chairman of the school board shall certify to the Secretary of
238 State the fact of the appointment, and the Governor shall
239 commission the person appointed.

240 (b) If the unexpired term of an elected, vacated office
241 is greater than six (6) months, an election shall be held to fill
242 the vacancy. The school board shall certify in writing the fact
243 of the vacancy to the governing authority of the municipality, if
244 the school district is a municipal separate school district or a
245 special municipal separate school district, or to the board of
246 supervisors in the case of all other school districts. At the
247 next regular meeting of the municipal governing authority or board
248 of supervisors, as the case may be, after its receipt of
249 certification of the vacancy from the school board, the municipal
250 governing authority or board of supervisors shall make and enter



251 on its minutes an order for an election to be held in the school
252 board member district in which the vacancy exists and shall fix
253 the date upon which the election shall be held, which date shall
254 not be less than thirty (30) days nor more than forty-five (45)
255 days after the date upon which the order is adopted.

256 The municipal governing authority or board of supervisors, as
257 the case may be, shall cause to be published notice of the
258 election in a newspaper of general circulation within the school
259 district once each week for three (3) successive weeks preceding
260 the date of the election. The first notice must be published at
261 least thirty (30) days before the date of the election. Notice
262 also shall be given by the school board by posting a copy of the
263 notice at three (3) public places in the school board member
264 district in which the vacancy exists and at the administrative
265 offices of the school board not less than twenty-one (21) days
266 before the date of the election.

267 Candidates for the vacated office shall file with the
268 municipal governing authority or the board of supervisors, as the
269 case may be, not less than ten (10) days before the date of the
270 election, a petition of nomination signed by at least fifty (50)
271 or twenty percent (20%) of the qualified electors of the school
272 board member district, whichever is less. The election shall be
273 held, as far as practicable, in the same manner as school board
274 elections are conducted under this section. The candidate who
275 receives a majority of the votes cast by the qualified electors in
276 the school board member district shall be elected. However, if no
277 candidate receives a majority of the votes, a runoff election
278 shall be held two (2) weeks after the election. The names of the
279 candidate receiving the highest number of votes and the candidate,
280 or candidates in the event of a tie, receiving the next highest
281 vote for the office shall be placed on the ballot in the runoff
282 election. The person receiving the highest number of votes cast
283 by the qualified electors in the runoff election shall be elected.



284 The clerk of the election commission shall give a certificate of
285 election to the person elected and shall return to the Secretary
286 of State a copy of the order of holding the election and its
287 results, certified by the clerk. The Governor shall commission
288 the person elected to serve the remainder of the unexpired term.

289 However, if nine (9) days before the date of the election
290 only one (1) person has qualified as a candidate, the municipal
291 governing authority or board of supervisors, as the case may be,
292 shall dispense with the election, and the remaining members of the
293 school board shall appoint that candidate to fill the unexpired
294 term. If no person has qualified at least nine (9) days before
295 the election, the election shall be dispensed with, and the
296 remaining members of the school board shall appoint a person,
297 selected from the qualified electors of the school board member
298 district in which the vacancy exists, to fill the unexpired term.
299 The chairman of the school board shall certify to the Secretary of
300 State the fact of the appointment, and the Governor shall
301 commission the person appointed.

302 (c) A vacancy created by an appointed member of the
303 school board will be filled for the remainder of the unexpired
304 term by the governing authority of the municipality or the board
305 of supervisors, whichever made the appointment to the office in
306 which the vacancy exists.

307 **[Beginning on January 1, 2008, this section will read as**
308 **follows:]**

309 (1) The school board of each school district in the State of
310 Mississippi shall be the governing authority of the school
311 district and shall consist of ten (10) members. Five (5) members
312 of the school board shall be elected from special school board
313 member districts in the manner provided under this section, and
314 five (5) members shall be appointed in the manner provided under
315 this section.



316 (2) The governing authority of a municipality having a
317 municipal separate school district (other than a countywide
318 municipal separate school district) or special municipal separate
319 school district shall apportion the school district, including any
320 added territory, into five (5) single school board member
321 districts. All other school districts shall be apportioned in the
322 same manner by the boards of supervisors. The school board member
323 districts must be as nearly equal as possible according to
324 population. The municipal governing authorities and boards of
325 supervisors shall submit the school board member district lines to
326 the Attorney General of the United States for preclearance or to
327 the United States District Court for the District of Columbia for
328 a declaratory judgment in accordance with the provisions of the
329 Voting Rights Act of 1965, as amended and extended. If the school
330 board member district lines in a school district are precleared by
331 the United States Department of Justice or approved by the United
332 States District Court, the municipal governing authority or board
333 of supervisors, as the case may be, and the school board of the
334 school district shall place upon their minutes the boundaries
335 established for the five (5) school board member districts, and
336 the school board shall publish the boundaries in a newspaper of
337 general circulation within the school district for at least three
338 (3) consecutive weeks. After having given notice of publication
339 and recording the publication upon the minutes of the school
340 board, the school board member district lines shall be effective.
341 As soon as practicable after the results of the 2010 federal
342 decennial census and every federal decennial census thereafter are
343 published, the municipal governing authorities and boards of
344 supervisors shall reapportion the school board member districts in
345 the manner prescribed in this subsection for the creation of the
346 original districts.

347 (3) In order for a person to be eligible to be elected to
348 serve on the school board, the person must be a bona fide resident



349 and qualified elector of the school board member district entitled
350 to such representation on the school board. Each elected member
351 shall serve for a term of four (4) years.

352 (4) On the first Tuesday after the first Monday in November
353 2007 and every four (4) years thereafter, the election of the
354 elected members of all school boards in the State of Mississippi
355 shall be held in the same manner and at the same time as the
356 general elections are held.

357 (5) Candidates for the school board shall file with the
358 county election commissioners, not more than ninety (90) days nor
359 less than sixty (60) days before the date of the election, a
360 petition of nomination signed by at least fifty (50) or twenty
361 percent (20%) of the qualified electors of the school board member
362 district, whichever is less. The name of each qualified candidate
363 shall be placed on the ballot. The election shall be held in the
364 same manner as the general elections are held. The candidate in
365 each school board member district who receives a majority of the
366 votes cast by the qualified electors in that district shall be
367 elected. However, if no candidate receives a majority of the
368 votes, a runoff election shall be held two (2) weeks after the
369 election. The names of the candidate receiving the highest number
370 of votes and the candidate, or candidates in the event of a tie,
371 receiving the next highest vote for the office shall be placed on
372 the ballot in the runoff election. The person receiving the
373 highest number of votes cast by the qualified electors in the
374 runoff election shall be elected. All persons elected to serve on
375 the school board shall take office on the first Monday of January
376 next following the date of their election.

377 (6) (a) In order for a person to be eligible to be
378 appointed to serve on the school board, the person must be a bona
379 fide resident and qualified elector of the school district. Each
380 appointed member shall serve for a term of four (4) years.



381 (b) Beginning in 2003 and every four (4) years
382 thereafter, the governing authority of a municipality having a
383 municipal separate school district (other than a countywide
384 municipal separate school district) or special municipal separate
385 school district shall appoint, by a majority vote of the members
386 of the governing authority, five (5) persons to serve on the
387 school board.

388 (c) In all other school districts, before the general
389 election in November 2003 and every four (4) years thereafter, the
390 board of supervisors of the county in which the school district is
391 situated shall appoint, by a majority vote of the members of the
392 board, five (5) persons to serve on the school board. In those
393 school districts embracing territory in more than one (1) county,
394 the board of supervisors of each county shall appoint a pro rata
395 number of members to the school board equal to the percentage of
396 students in the school district from the territory within that
397 county.

398 (d) All persons appointed to serve on the school board
399 under this subsection shall take office at the same time and place
400 as those members who are elected to serve on the school board, on
401 the first Monday of January next following the date of their
402 appointment.

403 (7) Whenever there is a vacancy in the membership of the
404 school board, the vacancy shall be filled, depending upon the
405 length of the unexpired term of the vacated office and whether the
406 office is an elected or appointed position, in the manner provided
407 under this subsection.

408 (a) If the unexpired term of an elected, vacated office
409 is six (6) months or less, the remaining members of the school
410 board shall appoint, within sixty (60) days after the vacancy
411 occurs, a person to serve the unexpired portion of the term. The
412 appointee shall be selected from the qualified electors of the
413 school board member district in which the vacancy occurs. The



414 chairman of the school board shall certify to the Secretary of
415 State the fact of the appointment, and the Governor shall
416 commission the person appointed.

417 (b) If the unexpired term of an elected, vacated office
418 is greater than six (6) months, an election shall be held to fill
419 the vacancy. The school board shall certify in writing the fact
420 of the vacancy to the governing authority of the municipality, if
421 the school district is a municipal separate school district or a
422 special municipal separate school district, or to the board of
423 supervisors in the case of all other school districts. At the
424 next regular meeting of the municipal governing authority or board
425 of supervisors, as the case may be, after its receipt of
426 certification of the vacancy from the school board, the municipal
427 governing authority or board of supervisors shall make and enter
428 on its minutes an order for an election to be held in the school
429 board member district in which the vacancy exists and shall fix
430 the date upon which the election shall be held, which date shall
431 not be less than thirty (30) days nor more than forty-five (45)
432 days after the date upon which the order is adopted.

433 The municipal governing authority or board of supervisors, as
434 the case may be, shall cause to be published notice of the
435 election in a newspaper of general circulation within the school
436 district once each week for three (3) successive weeks preceding
437 the date of the election. The first notice must be published at
438 least thirty (30) days before the date of the election. Notice
439 also shall be given by the school board by posting a copy of the
440 notice at three (3) public places in the school board member
441 district in which the vacancy exists and at the administrative
442 offices of the school board not less than twenty-one (21) days
443 before the date of the election.

444 Candidates for the vacated office shall file with the
445 municipal governing authority or the board of supervisors, as the
446 case may be, not less than ten (10) days before the date of the



447 election, a petition of nomination signed by at least fifty (50)
448 or twenty percent (20%) of the qualified electors of the school
449 board member district, whichever is less. The election shall be
450 held, as far as practicable, in the same manner as school board
451 elections are conducted under this section. The candidate who
452 receives a majority of the votes cast by the qualified electors in
453 the school board member district shall be elected. However, if no
454 candidate receives a majority of the votes, a runoff election
455 shall be held two (2) weeks after the election. The names of the
456 candidate receiving the highest number of votes and the candidate,
457 or candidates in the event of a tie, receiving the next highest
458 vote for the office shall be placed on the ballot in the runoff
459 election. The person receiving the highest number of votes cast
460 by the qualified electors in the runoff election shall be elected.
461 The clerk of the election commission shall give a certificate of
462 election to the person elected and shall return to the Secretary
463 of State a copy of the order of holding the election and its
464 results, certified by the clerk. The Governor shall commission
465 the person elected to serve the remainder of the unexpired term.
466 However, if nine (9) days before the date of the election
467 only one (1) person has qualified as a candidate, the municipal
468 governing authority or board of supervisors, as the case may be,
469 shall dispense with the election, and the remaining members of the
470 school board shall appoint that candidate to fill the unexpired
471 term. If no person has qualified at least nine (9) days before
472 the election, the election shall be dispensed with, and the
473 remaining members of the school board shall appoint a person,
474 selected from the qualified electors of the school board member
475 district in which the vacancy exists, to fill the unexpired term.
476 The chairman of the school board shall certify to the Secretary of
477 State the fact of the appointment, and the Governor shall
478 commission the person appointed.



479 (c) A vacancy created by an appointed member of the
480 school board will be filled for the remainder of the unexpired
481 term by the governing authority of the municipality or the board
482 of supervisors, whichever made the appointment to the office in
483 which the vacancy exists.

484 **SECTION 2.** Section 37-5-7, Mississippi Code of 1972, is
485 amended as follows:

486 37-5-7. (1) Subject to the provisions of subsection (3) of
487 this section and Section 1 of House Bill No. , 2002 Regular
488 Session, on the first Tuesday after the first Monday in May, 1954,
489 an election shall be held in each county in this state in the same
490 manner as general state and county elections are held and
491 conducted, which election shall be held for the purpose of
492 electing the county boards of education established under the
493 provisions of this chapter. At such election, the members of the
494 said board from Supervisors Districts One and Two shall be elected
495 for the term expiring on the first Monday of January, 1957;
496 members of the board from Supervisors Districts Three and Four
497 shall be elected for a term expiring on the first Monday of
498 January, 1959; and the member of the board from Supervisors
499 District Five shall be elected for a term expiring on the first
500 Monday of January, 1955. Except as otherwise provided in
501 subsection (2), all subsequent members of the board shall be
502 elected for a term of six (6) years at the regular general
503 election held on the first Monday in November next preceding the
504 expiration of the term of office of the respective member or
505 members of such board. All members of the county board of
506 education as herein constituted, shall take office on the first
507 Monday of January following the date of their election.

508 (2) Subject to the provisions of subsection (3) of this
509 section and Section 1 of House Bill No. , 2002 Regular
510 Session, on the first Tuesday after the first Monday in November,
511 in any year in which any county shall elect to utilize the



512 authority contained in Section 37-5-1(2), an election shall be
513 held in each such county in this state for the purpose of electing
514 the county boards of education in such counties. At said election
515 the members of the said county board of education from Districts
516 One and Two shall be elected for a term of four (4) years, the
517 members from Districts Three and Four shall be elected for a term
518 of six (6) years, and the member from District Five shall be
519 elected for a term of (2) years. Thereafter, members shall be
520 elected at general elections as vacancies occur for terms of six
521 (6) years each. All members of the county board of education
522 shall take office on the first Monday of January following the
523 date of their election.

524 (3) Notwithstanding the provisions of this section, in order
525 to provide for an orderly transition in the membership of the
526 county boards of education from those members elected under the
527 laws in effect before the effective date of House Bill No. _____,
528 2002 Regular Session, to members elected under the provisions of
529 House Bill No. _____, 2002 Regular Session, the election schedule
530 prescribed in Section 1 of House Bill No. _____, 2002 Regular
531 Session shall be followed, and the terms of office of the school
532 board members elected under this section shall expire according to
533 that prescribed schedule, at which time the respective member's
534 duly elected successor shall take office.

535 (4) This section shall be repealed on January 1, 2008.

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

538 37-7-203. (1) Subject to the provisions of subsection (3)
539 of this section and Section 1 of House Bill No. _____, 2002 Regular
540 Session, the boards of trustees of all municipal separate school
541 districts created under the provisions of Article 1 of this
542 chapter, either with or without added territory, shall consist of
543 five (5) members, each to be chosen for a term of five (5) years,
544 but so chosen that the term of office of one (1) member shall



545 expire each year. In the event the added territory of a municipal
546 separate school district furnishes fifteen percent (15%) or more
547 of the pupils enrolled in the schools of such district, then at
548 least one (1) member of the board of trustees of such school
549 district shall be a resident of the added territory outside the
550 corporate limits. In the event the added territory of a municipal
551 separate school district furnishes thirty percent (30%) or more of
552 the pupils enrolled in the schools of such district, then not more
553 than two (2) members of the board of trustees of such school
554 district shall be residents of the added territory outside the
555 corporate limits. In the event the added territory of a municipal
556 separate school district in a county in which Mississippi Highways
557 8 and 15 intersect furnishes thirty percent (30%) or more of the
558 pupils enrolled in the schools of such district, then the five (5)
559 members of the board of trustees of such school district shall be
560 elected at large from such school district for a term of five (5)
561 years each except that the two (2) elected trustees presently
562 serving on such board shall continue to serve for their respective
563 terms of office. The three (3) appointed trustees presently
564 serving on such board shall continue to serve until their
565 successors are elected in March of 1975 in the manner provided for
566 in Section 37-7-215. At such election, one (1) trustee shall be
567 elected for a term of two (2) years, one (1) for a term of three
568 (3) years and one (1) for a term of five (5) years. Subsequent
569 terms for each successor trustee shall be for five (5) years. In
570 the event one (1) of two (2) municipal separate school districts
571 located in any county with two (2) judicial districts, District 1
572 being comprised of Supervisors Districts 1, 2, 4 and 5, and
573 District 2 being comprised of Supervisors District 3, with added
574 territory embraces three (3) full supervisors districts of a
575 county, one (1) trustee shall be elected from each of the three
576 (3) supervisors districts outside the corporate limits of the
577 municipality. In the further event that the territory of a



578 municipal separate school district located in any county with two
579 (2) judicial districts, District 1 being comprised of Supervisors
580 Districts 1, 2, 4 and 5, and District 2 being comprised of
581 Supervisors District 3, with added territory embraces four (4)
582 full supervisors districts in the county, and in any county in
583 which a municipal separate school district embraces the entire
584 county in which Highways 14 and 15 intersect, one (1) trustee
585 shall be elected from each supervisors district.

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

600 In the event that a portion of a county school district is
601 reconstituted, in the manner provided by law, into a municipal
602 separate school district with added territory and in the event
603 that the trustees to be elected from the added territory are
604 requested to be elected from separate election districts within
605 the added territory, instead of elected at-large, by the Attorney
606 General of the United States as a result of and pursuant to
607 preclearance under Section 5 of the Voting Rights Act of 1965, as
608 amended and extended, and in the event the added territory of a
609 municipal separate school district of a municipality furnishes
610 thirty percent (30%) or more of the pupils enrolled in the schools



611 of such district, then two (2) members of the board of trustees
612 shall be residents of the added territory outside the corporate
613 limits of such municipality and shall be elected from special
614 trustee election districts by the qualified electors thereof as
615 herein provided. The governing authorities of such municipality
616 shall apportion the added territory into two (2) special trustee
617 election districts as nearly as possible according to population
618 and other factors heretofore pronounced by the courts. The
619 governing authorities of such municipality shall thereafter
620 publish the same in a newspaper of general circulation within said
621 school district for at least two (2) consecutive weeks; and after
622 having given notice of publication and recording the same upon the
623 minutes of the governing authorities, said new district lines
624 shall thereafter be effective. Any person elected from the new
625 trustee election districts constituted herein shall be elected in
626 the manner provided for in Section 37-7-215 for a term of five (5)
627 years. Any vacancy in the office of a trustee elected from such
628 trustee election district, whether occasioned by redistricting or
629 by other cause, shall be filled by appointment of the governing
630 authorities of the municipality, provided that the person so
631 appointed shall serve only until the first Saturday of March
632 following his appointment, at which time a person shall be elected
633 for the remainder of the unexpired term in the manner provided in
634 Section 37-7-215.

635 In any county organizing a countywide municipal separate
636 school district after January 1, 1965, the trustees thereof to be
637 elected from outside the municipality, such trustees shall be
638 elected by the board of supervisors of such county, and the
639 superintendent of such school district shall have authority to pay
640 out and distribute the funds of said district. In the event a
641 municipal separate school district should occupy territory in a
642 county other than that in which the municipality is located and
643 fifteen percent (15%) or more of the pupils enrolled in the



644 schools of such district shall come from the territory of the
645 district in the county other than that in which the municipality
646 is located, the territory of such county in which the municipality
647 is not located shall be entitled to one (1) member on the board of
648 trustees of such school district. Said trustee shall be a
649 resident of the territory of that part of the district lying in
650 the county in which the municipality is not located and shall be
651 elected by the qualified electors of the territory of such county
652 at the same time and in the same manner as is provided for the
653 election of trustees of school districts other than municipal
654 separate school districts having territory in two (2) or more
655 counties.

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

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

671 (2) Subject to the provisions of subsection (3) of this
672 section and Section 1 of House Bill No. _____, 2002 Regular
673 Session, in counties of less than fifteen thousand (15,000) people
674 having a municipal separate school district with added territory
675 which embraces all the territory of a county, one (1) or more
676 trustees of such district shall be nominated from each supervisors



677 district upon petition of fifty (50) qualified electors of said
678 district, or twenty percent (20%) of the qualified electors of
679 such district, whichever number shall be smaller, and shall be
680 elected by a plurality of the vote of the qualified electors of
681 said county. One (1) trustee so elected shall reside in each
682 supervisors district of the county. In such counties embraced
683 entirely by a municipal separate school district there shall be no
684 county board of education after the formation of such district and
685 the county superintendent of education shall act as superintendent
686 of schools of said district and shall be appointed by the board of
687 trustees of said district, and the provisions of subsection (1) of
688 this section and the first paragraph of Section 37-7-211 shall not
689 apply to such districts.

690 (3) Notwithstanding the provisions of this section, in order
691 to provide for an orderly transition in the membership of the
692 boards of trustees of municipal separate school districts from
693 those members appointed or elected under the laws in effect before
694 the effective date of House Bill No. _____, 2002 Regular Session, to
695 members elected under the provisions of House Bill No. _____, 2002
696 Regular Session, the election schedule prescribed in Section 1 of
697 House Bill No. _____, 2002 Regular Session, shall be followed, and
698 the terms of office of the school board members appointed or
699 elected under this section shall expire according to that
700 prescribed schedule, at which time the respective member's duly
701 elected successor shall take office.

702 (4) This section shall be repealed on January 1, 2008.

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

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

708 37-7-207. (1) Subject to the provisions of subsection (3)
709 of this section and Section 1 of House Bill No. _____, 2002 Regular



710 Session, all school districts reconstituted or created under the
711 provisions of Article 1 of this chapter, and which lie wholly
712 within one (1) county, but not including municipal separate and
713 countywide districts, shall be governed by a board of five (5)
714 trustees. The first board of trustees of such districts shall be
715 appointed by the county board of education, and the original
716 appointments shall be so made that one (1) trustee shall be
717 appointed to serve until the first Saturday of March following
718 such appointments, one (1) for one (1) year longer, one (1) for
719 two (2) years longer, one (1) for three (3) years longer, and one
720 (1) for four (4) years longer. After such original appointments,
721 the trustees of such school districts shall be elected by the
722 qualified electors of such school districts in the manner provided
723 for in Sections 37-7-223 through 37-7-229, with each trustee to be
724 elected for a term of five (5) years. The five (5) members of the
725 board of trustees of such consolidated school district shall be
726 elected from special trustee election districts by the qualified
727 electors thereof, as herein provided. Upon request of the board
728 of trustees of any consolidated school district, the board of
729 supervisors of such county shall apportion the consolidated school
730 district into five (5) special trustee election districts. The
731 board of supervisors shall place upon its minutes the boundaries
732 determined for the new five (5) trustee election districts. The
733 board of supervisors shall thereafter publish the same in a
734 newspaper of general circulation within said school district for
735 at least three (3) consecutive weeks; and after having given
736 notice of publication and recording the same upon the minutes of
737 the board of supervisors, said new district lines shall thereafter
738 be effective.

739 On the first Tuesday after the first Monday in November, in
740 any year in which any consolidated school district shall elect to
741 utilize the authority to create single member election districts,
742 an election shall be held in each such district in this state for



743 the purpose of electing the board of trustees of such district. At
744 said election the member of the said board from District One shall
745 be elected for a term of one (1) year, the member from District
746 Two shall be elected for a term of two (2) years, the member from
747 District Three shall be elected for a term of three (3) years, the
748 member from District Four shall be elected for a term of four (4)
749 years, and the member from District Five shall be elected for a
750 term of five (5) years. Thereafter, members shall be elected at
751 general elections as vacancies occur for terms of five (5) years
752 each. Trustees elected from single member election districts as
753 provided above shall otherwise be elected as provided for in
754 Sections 37-7-223 through 37-7-229. All members of the said board
755 of trustees shall take office on the first Monday of January
756 following the date of their election. All vacancies which may
757 occur during a term shall be filled by appointment of the
758 consolidated school district trustees, but the person so appointed
759 shall serve only until the next general election following such
760 appointment, at which time a person shall be elected for the
761 remainder of the unexpired term at the same time and in the same
762 manner as a trustee is elected for the full term then expiring.
763 The person so elected to the unexpired term shall take office
764 immediately. Said appointee shall be selected from the qualified
765 electors of the district in which the vacancy occurs.

766 (2) Subject to the provisions of subsection (3) of this
767 section and Section 1 of House Bill No. _____, 2002 Regular
768 Session, all school districts reconstituted and created under the
769 provisions of Article 1 of this chapter, which embrace territory
770 in two (2) or more counties, but not including municipal separate
771 school districts, shall be governed by a board of five (5)
772 trustees. In making the original appointments, the several county
773 boards of education shall appoint the trustee or trustees to which
774 the territory in such county is entitled, and, by agreement
775 between the county boards concerned, one (1) person shall be



776 appointed to serve until the first Saturday of March following,
777 one (1) for one (1) year longer, one (1) for two (2) years longer,
778 one (1) for three (3) years longer and one (1) for four (4) years
779 longer. Thereafter, such trustees shall be elected as is provided
780 for in Sections 37-7-223 through 37-7-229, for a term of five (5)
781 years. The five (5) members of the board of trustees of such line
782 consolidated school district shall be elected from special trustee
783 election districts by the qualified electors thereof, as herein
784 provided. Upon request by the board of trustees of any line
785 consolidated school district, the boards of supervisors of such
786 counties shall apportion the line consolidated school district
787 into five (5) special trustee election districts. The boards of
788 supervisors shall place upon their minutes the boundaries
789 determined for the new five (5) trustee election districts. The
790 boards of supervisors shall thereafter publish the same in a
791 newspaper of general circulation within said school district for
792 at least three (3) consecutive weeks; and after having given
793 notice of publication and recording the same upon the minutes of
794 the boards of supervisors, said new district lines shall
795 thereafter be effective.

796 On the first Tuesday after the first Monday in November, in
797 any year in which any line consolidated school district shall
798 elect to utilize the authority to create single member election
799 districts, an election shall be held in each such district in this
800 state for the purpose of electing the board of trustees of such
801 district. At said election the member of the said board from
802 District One shall be elected for a term of one (1) year, the
803 member from District Two shall be elected for a term of two (2)
804 years, the member from District Three shall be elected for a term
805 of three (3) years, the member from District Four shall be elected
806 for a term of four (4) years, and the member from District Five
807 shall be elected for a term of five (5) years. Thereafter,
808 members shall be elected at general elections as vacancies occur



809 for terms of five (5) years each. Trustees elected from single
810 member election districts as provided above shall otherwise be
811 elected as provided for in Sections 37-7-223 through 37-7-229. All
812 members of the said board of trustees shall take office on the
813 first Monday of January following the date of their election. In
814 all elections, the trustee elected shall be a resident and
815 qualified elector of the district entitled to the representation
816 upon the board, and he shall be elected only by the qualified
817 electors of such district. All vacancies which may occur during a
818 term of office shall be filled by appointment of the consolidated
819 line school district trustees, but the person so appointed shall
820 serve only until the next general election following such
821 appointment, at which time a person shall be elected for the
822 remainder of the unexpired term at the same time and in the same
823 manner as the trustee is elected for the full term then expiring.
824 The person so elected to the unexpired term shall take office
825 immediately.

826 (3) Notwithstanding the provisions of this section, in order
827 to provide for an orderly transition in the membership of the
828 boards of trustees of consolidated school districts from those
829 members elected under the laws in effect before the effective date
830 of House Bill No. _____, 2002 Regular Session, to members elected
831 under the provisions of House Bill No. _____, 2002 Regular Session,
832 the election schedule prescribed in Section 1 of House Bill No.
833 _____, 2002 Regular Session, shall be followed, and the terms of
834 office of the school board members elected under this section
835 shall expire according to that prescribed schedule, at which time
836 the respective member's duly elected successor shall take office.

837 (4) This section shall be repealed on January 1, 2008.

838 **[From and after such time as Section 1 of Laws, 1990, Chapter**
839 **567, is effectuated under Section 5 of the Voting Rights Act of**
840 **1965, as amended and extended, this section will read as follows:]**



841 37-7-207. (1) Subject to the provisions of subsection (3)
842 of this section and Section 1 of House Bill No. , 2002 Regular
843 Session, all school districts reconstituted or created under the
844 provisions of Article 1 of this chapter, and which lie wholly
845 within one (1) county, but not including municipal separate and
846 countywide districts, shall be governed by a board of five (5)
847 trustees. The first board of trustees of such districts shall be
848 appointed by the county board of education, and the original
849 appointments shall be so made that one (1) trustee shall be
850 appointed to serve until the first Saturday of March following
851 such appointments, one (1) for one (1) year longer, one (1) for
852 two (2) years longer, one (1) for three (3) years longer, and one
853 (1) for four (4) years longer. After such original appointments,
854 the trustees of such school districts shall be elected by the
855 qualified electors of such school districts in the manner provided
856 for in Sections 37-7-223 through 37-7-229, Mississippi Code of
857 1972, with each trustee to be elected for a term of five (5)
858 years. The five (5) members of the board of trustees of such
859 consolidated school district may be elected from special trustee
860 election districts by the qualified electors thereof, as herein
861 provided. Upon request of the board of trustees of any
862 consolidated school district, the board of supervisors of such
863 county shall apportion the consolidated school district into five
864 (5) special trustee election districts. The board of supervisors
865 shall place upon its minutes the boundaries determined for the new
866 five (5) trustee election districts. The board of supervisors
867 shall thereafter publish the same in a newspaper of general
868 circulation within said school district for at least three (3)
869 consecutive weeks; and after having given notice of publication
870 and recording the same upon the minutes of the board of
871 supervisors, said new district lines shall thereafter be
872 effective.



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

901 (2) Subject to the provisions of subsection (3) of this
902 section and Section 1 of House Bill No. _____, 2002 Regular
903 Session, all school districts reconstituted and created under the
904 provisions of Article 1 of this chapter, which embrace territory
905 in two (2) or more counties, but not including municipal separate



906 school districts, shall be governed by a board of five (5)
907 trustees. In making the original appointments, the several county
908 boards of education shall appoint the trustee or trustees to which
909 the territory in such county is entitled, and, by agreement
910 between the county boards concerned, one (1) person shall be
911 appointed to serve until the first Saturday of March following
912 such appointments, one (1) for one (1) year longer, one (1) for
913 two (2) years longer, one (1) for three (3) years longer and one
914 (1) for four (4) years longer. Thereafter, such trustees shall be
915 elected as is provided for in Sections 37-7-223 through 37-7-229,
916 Mississippi Code of 1972, for a term of five (5) years. The five
917 (5) members of the board of trustees of such line consolidated
918 school district may be elected from special trustee election
919 districts by the qualified electors thereof, as herein provided.
920 Upon request by the board of trustees of any line consolidated
921 school district, the boards of supervisors of such counties shall
922 apportion the line consolidated school district into five (5)
923 special trustee election districts. The boards of supervisors
924 shall place upon their minutes the boundaries determined for the
925 new five (5) trustee election districts. The boards of
926 supervisors shall thereafter publish the same in a newspaper of
927 general circulation within said school district for at least three
928 (3) consecutive weeks; and after having given notice of
929 publication and recording the same upon the minutes of the boards
930 of supervisors, said new district lines shall thereafter be
931 effective.

932 On the first Tuesday after the first Monday in November, in
933 any year in which any line consolidated school district shall
934 elect to utilize the authority to create single member election
935 districts, an election shall be held in each such district in this
936 state for the purpose of electing the board of trustees of such
937 district. At said election the member of the said board from
938 District One shall be elected for a term of one (1) year, the



939 member from District Two shall be elected for a term of two (2)
940 years, the member from District Three shall be elected for a term
941 of three (3) years, the member from District Four shall be elected
942 for a term of four (4) years, and the member from District Five
943 shall be elected for a term of five (5) years. Thereafter,
944 members shall be elected at general elections as vacancies occur
945 for terms of five (5) years each. Trustees elected from single
946 member election districts as provided above shall otherwise be
947 elected as provided for in Sections 37-7-223 through 37-7-229,
948 Mississippi Code of 1972. All members of the said board of
949 trustees shall take office on the first Monday of January
950 following the date of their election. In all such elections, the
951 trustee elected shall be a resident and qualified elector of the
952 district entitled to the representation upon the board, and he
953 shall be elected only by the qualified electors of such district.
954 All vacancies which may occur during a term of office shall be
955 filled by appointment of the consolidated line school district
956 trustees, but the person so appointed shall serve only until the
957 next general election following such appointment, at which time a
958 person shall be elected for the remainder of the unexpired term at
959 the same time and in the same manner as the trustee is elected for
960 the full term then expiring. The person so elected to the
961 unexpired term shall take office immediately.

962 (3) Notwithstanding the provisions of this section, in order
963 to provide for an orderly transition in the membership of the
964 boards of trustees of consolidated school districts from those
965 members elected under the laws in effect before the effective date
966 of House Bill No. _____, 2002 Regular Session, to members elected
967 under the provisions of House Bill No. _____, 2002 Regular Session,
968 the election schedule prescribed in Section 1 of House Bill No.
969 _____, 2002 Regular Session, shall be followed, and the terms of
970 office of the school board members elected under this section



971 shall expire according to that prescribed schedule, at which time
972 the respective member's duly elected successor shall take office.

973 (4) This section shall be repealed on January 1, 2008.

974 **SECTION 5.** Section 37-7-707, Mississippi Code of 1972, is
975 amended as follows:

976 37-7-707. In all such special municipal separate school
977 districts which may be so organized, reorganized or reconstituted
978 to embrace the entire county in which the majority of the
979 inhabitants of the county reside outside the corporate limits of
980 the municipality, the board of trustees of such district shall be
981 composed of five (5) members, one (1) of whom shall be a resident
982 qualified elector of each supervisors district of the county.
983 Said trustees shall be elected from the county at large by the
984 qualified electors of the county at the first regular general
985 election following the approval by the State Board of Education
986 of the organization of such district. Such trustees shall take
987 office on the first Monday of January following their election.

988 At such election the members of the said board from
989 supervisors districts one and five shall be elected for a term of
990 six (6) years, the members from districts three and four shall be
991 elected for a term of four (4) years, and the members from
992 district two shall be elected for a term of two (2) years.
993 Thereafter members shall be elected at regular general elections
994 as vacancies occur for terms of six (6) years each and shall take
995 office on the first Monday of January after their election.

996 Notwithstanding the provisions of this section, in order to
997 provide for an orderly transition in the membership of the boards
998 of trustees of special municipal separate school districts
999 embracing an entire county, in which a majority of the inhabitants
1000 of the county reside outside the corporate limits of the
1001 municipality, from those members elected under the laws in effect
1002 before the effective date of House Bill No. _____, 2002 Regular
1003 Session, to members elected under the provisions of House Bill No.



1004 , 2002 Regular Session, the election schedule prescribed in
1005 Section 1 of House Bill No. , 2002 Regular Session, shall be
1006 followed, and the terms of office of the school board members
1007 elected under this section shall expire according to that
1008 prescribed schedule, at which time the respective member's duly
1009 elected successor shall take office.

1010 This section shall be repealed on January 1, 2008.

1011 **SECTION 6.** Section 37-6-7, Mississippi Code of 1972, which
1012 provides that all school districts shall be governed by a school
1013 board consisting of five (5) members, is repealed.

1014 **SECTION 7.** Section 37-6-9, Mississippi Code of 1972, is
1015 amended as follows:

1016 37-6-9. The school board of all school districts shall
1017 organize by the election of a president and a secretary from its
1018 membership whose duty it shall be to make reports and to perform
1019 all other duties required by law. A majority of the members of
1020 the school board shall constitute a quorum for the transaction of
1021 business. Minutes shall be kept of all meetings of the school
1022 board showing: (a) the members present and absent; (b) the date,
1023 time and place of the meeting; (c) an accurate recording of any
1024 final actions taken at such meeting; (d) a record by individual
1025 member of any votes taken at such meeting; and (e) any other
1026 information that the school board requests to be reflected in the
1027 minutes. Each member of the school board present shall either
1028 vote or abstain on every question upon which a vote is taken at
1029 such meeting. In the case of a tie vote on any question upon
1030 which a vote is taken, the superintendent of the school district
1031 shall cast the deciding vote. Each action taken by a school board
1032 shall become official at the time it is taken. All minutes of the
1033 school board shall be signed by the president of the board, shall
1034 be attested by the secretary of the board and shall be adopted by
1035 the board at the next regular meeting, or within thirty (30)
1036 working days, whichever occurs later.



1037 **SECTION 8.** Sections 37-5-1, 37-5-3, 37-5-9, 37-5-18 and
1038 37-5-19, Mississippi Code of 1972, which establish the county
1039 board of education and provide for the qualifications and election
1040 of board members and filling of vacancies on the board, are
1041 repealed.

1042 **SECTION 9.** Section 37-7-201, Mississippi Code of 1972, which
1043 establishes the qualifications for the office of school board
1044 member, is repealed.

1045 **SECTION 10.** Section 37-7-204, Mississippi Code of 1972,
1046 which provides for the appointment of interim board members to
1047 fill certain vacancies on the school boards of countywide
1048 municipal separate school districts, is repealed.

1049 **SECTION 11.** Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,
1050 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
1051 certain methods for electing trustees from added territory of
1052 municipal separate school districts, are repealed.

1053 **SECTION 12.** Sections 37-7-221, 37-7-223, 37-7-225, 37-7-227
1054 and 37-7-229, Mississippi Code of 1972, which provide a procedure
1055 for the election of consolidated or consolidated line school
1056 district trustees, are repealed.

1057 **SECTION 13.** Section 37-7-703, Mississippi Code of 1972,
1058 which provides the procedure for selecting trustees in special
1059 municipal separate school districts that embrace the entire
1060 county, shall be repealed on January 1, 2008.

1061 **SECTION 14.** Section 37-7-705, Mississippi Code of 1972,
1062 which provides the procedure for selecting trustees in special
1063 municipal separate school districts that embrace the entire county
1064 and in which a majority of the inhabitants of the county reside
1065 outside the corporate limits of the municipality, is repealed.

1066 **SECTION 15.** Sections 37-7-709, 37-7-711, 37-7-713, 37-7-715
1067 and 37-7-717, Mississippi Code of 1972, which provide various
1068 methods for selecting trustees of special municipal separate



1069 school districts and filling vacancies on such school boards, are
1070 repealed.

1071 **SECTION 16.** Section 37-7-723, Mississippi Code of 1972,
1072 which provides that in special municipal separate school districts
1073 embracing an entire county, the school board of the special
1074 municipal separate school district supersedes the county board of
1075 education, is repealed.

1076 **SECTION 17.** The Attorney General of the State of Mississippi
1077 shall submit this act, immediately upon approval by the Governor,
1078 or upon approval by the Legislature subsequent to a veto, to the
1079 Attorney General of the United States or to the United States
1080 District Court for the District of Columbia in accordance with the
1081 provisions of the Voting Rights Act of 1965, as amended and
1082 extended.

1083 **SECTION 18.** This act shall take effect and be in force from
1084 and after January 1, 2003, if it is effectuated on or before that
1085 date under Section 5 of the Voting Rights Act of 1965, as amended
1086 and extended. If it is effectuated under Section 5 of the Voting
1087 Rights Act of 1965, as amended and extended, after January 1,
1088 2003, this act shall take effect and be in force from and after
1089 the date it is effectuated under Section 5 of the Voting Rights
1090 Act of 1965, as amended and extended.

