

By: Representative Moore (60th)

To: Education; Apportionment
and Elections

HOUSE BILL NO. 291

1 AN ACT TO AMEND SECTION 37-5-7, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR THE ELECTION OF MEMBERS OF THE COUNTY BOARDS OF
3 EDUCATION AT THE SAME TIME AS GENERAL STATE AND COUNTY ELECTIONS
4 AND TO ESTABLISH A TERM OF FOUR YEARS FOR SUCH OFFICE; TO AMEND
5 SECTIONS 37-7-207, 37-7-707 AND 37-7-713, MISSISSIPPI CODE OF
6 1972, TO PROVIDE FOR THE ELECTION OF MEMBERS OF ELECTED SCHOOL
7 BOARDS OF CONSOLIDATED SCHOOL DISTRICTS, LINE CONSOLIDATED SCHOOL
8 DISTRICTS AND SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS AT THE
9 SAME TIME FOR A TERM OF FOUR YEARS; AND FOR RELATED PURPOSES.

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

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

13 37-5-7. (1) On the first Tuesday after the first Monday in
14 November 2003 and every four (4) years thereafter, an election
15 shall be held in each county in this state in the same manner and
16 at the same time as general state and county elections are held
17 and conducted, which election shall be held for the purpose of
18 electing the county boards of education established under the
19 provisions of this chapter. * * * All members of the county board
20 of education * * * shall take office on the first Monday of
21 January following the date of their election and shall serve for a
22 term of four (4) years. However, in order to provide for an
23 orderly transition, each member of the board serving on the date
24 House Bill No. _____, 2003 Regular Session, becomes effective and
25 whose term expires after the first Monday of January 2004 shall
26 continue to serve for the remainder of the unexpired term, at
27 which time the vacancy shall be filled in the manner provided in
28 Section 37-5-19.

29 (2) On the first Tuesday after the first Monday in November
30 2003 and every four (4) years thereafter, in any * * * county



31 electing to utilize the authority contained in Section 37-5-1(2),
32 an election shall be held * * * for the purpose of electing the
33 county board of education in such county. At the election the
34 members of the * * * county board of education * * * shall be
35 elected for a term of four years. However, in order to provide for
36 an orderly transition, each member of such boards serving on the
37 date House Bill No. , 2003 Regular Session, becomes effective
38 and whose term expires after the first Monday of January 2004
39 shall continue to serve for the remainder of the unexpired term,
40 at which time the vacancy shall be filled in the manner provided
41 in Section 37-5-19. All members of the county board of education
42 shall take office on the first Monday of January following the
43 date of their election.

44 **SECTION 2.** Section 37-7-207, Mississippi Code of 1972, is
45 amended as follows:

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

49 37-7-207. (1) All school districts reconstituted or created
50 under the provisions of Article 1 of this chapter, and which lie
51 wholly within one (1) county, but not including municipal separate
52 and countywide districts, shall be governed by a board of five (5)
53 trustees. The first board of trustees of such districts shall be
54 appointed by the county board of education, and the original
55 appointments shall be so made that one (1) trustee shall be
56 appointed to serve until the first Saturday of March following
57 such appointments, one (1) for one (1) year longer, one (1) for
58 two (2) years longer, one (1) for three (3) years longer, and one
59 (1) for four (4) years longer. After such original appointments,
60 the trustees of such school districts shall be elected by the
61 qualified electors of such school districts in the manner provided
62 for in Sections 37-7-223 through 37-7-229, with each trustee to be
63 elected for a term of four (4) years. The five (5) members of the



64 board of trustees of such consolidated school district shall be
65 elected from special trustee election districts by the qualified
66 electors thereof, as herein provided. The board of trustees of
67 any such consolidated school district shall apportion the
68 consolidated school district into five (5) special trustee
69 election districts. The board of trustees of such school district
70 shall place upon its minutes the boundaries determined for the new
71 five (5) trustee election districts. The board of trustees shall
72 thereafter publish the same in a newspaper of general circulation
73 within the school district for at least three (3) consecutive
74 weeks; and after having given notice of publication and recording
75 the same upon the minutes of the board of trustees, the new
76 district lines shall thereafter be effective.

77 On the first Tuesday after the first Monday in November 2003
78 and every four (4) years thereafter, in * * * any consolidated
79 school district electing to utilize the authority to create single
80 member election districts, an election shall be held * * * for the
81 purpose of electing the board of trustees of such district. At
82 the election, the members of the * * * board * * * shall be
83 elected for a term of four (4) years * * *. Thereafter, members
84 shall be elected at general elections as vacancies occur for terms
85 of four (4) years each. However, in order to provide for an
86 orderly transition, each member of such boards serving on the date
87 House Bill No. , 2003 Regular Session, becomes effective and
88 whose term expires after the first Monday of January 2004 shall
89 continue to serve for the remainder of the unexpired term, at
90 which time the vacancy shall be filled in the manner provided in
91 this paragraph. Trustees elected from single member election
92 districts as provided above shall * * * be elected as provided for
93 in Sections 37-7-223 through 37-7-229. All members of the * * *
94 board of trustees shall take office on the first Monday of January
95 following the date of their election. All vacancies which may
96 occur during a term shall be filled by appointment of the



97 consolidated school district trustees, but the person so appointed
98 shall serve only until the next general election following such
99 appointment, at which time a person shall be elected for the
100 remainder of the unexpired term at the same time and in the same
101 manner as a trustee is elected for the full term then expiring.
102 The person so elected to the unexpired term shall take office
103 immediately. The appointee shall be selected from the qualified
104 electors of the district in which the vacancy occurs.

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



130 of trustees, the new district lines shall thereafter be effective.
131 Provided, however, that in any line consolidated school district
132 encompassing two (2) or more counties created pursuant to Laws,
133 1953, Extraordinary Session, Chapter 12, Section 8, in which, as a
134 condition precedent to the creation of the district, each county
135 belonging thereto was contractually guaranteed to always have at
136 least one (1) representative on the board, in order that the
137 condition precedent may be honored and guaranteed, in any year in
138 which the board of trustees of such line consolidated school
139 district does not have at least one (1) member from each county or
140 part thereof forming such district, the board of trustees in such
141 district shall be governed by a board of a sufficient number of
142 trustees to fulfill this guarantee, five (5) of whom shall be
143 elected from the five (5) special trustee election districts which
144 shall be as nearly equal as possible and one (1) member trustee
145 appointed at large from each county not having representation on
146 the elected board. In such cases, the board of supervisors of
147 each county shall make written agreement to guarantee the manner
148 of appointment of at least one (1) representative from each county
149 in the district, placing such written agreement on the minutes of
150 each board of supervisors in each county.

151 On the first Tuesday after the first Monday in November 2003
152 and every four (4) years thereafter, in * * * any line
153 consolidated school district electing to utilize the authority to
154 create single member election districts, an election shall be
155 held * * * for the purpose of electing the board of trustees of
156 such district. At the election the members of the * * *
157 board * * * shall be elected for a term of four (4) years * * *.
158 Thereafter, members shall be elected at general elections as
159 vacancies occur for terms of four (4) years each. However, in
160 order to provide for an orderly transition, each member of such
161 boards serving on the date House Bill No. _____, 2003 Regular
162 Session, becomes effective and whose term expires after the first



163 Monday of January 2004 shall continue to serve for the remainder
164 of the unexpired term, at which time the vacancy shall be filled
165 in the manner provided in this paragraph. Trustees elected from
166 single member election districts as provided above shall * * * be
167 elected as provided for in Sections 37-7-223 through 37-7-229.
168 All members of the * * * board of trustees shall take office on
169 the first Monday of January following the date of their election.
170 In all elections, the trustee elected shall be a resident and
171 qualified elector of the district entitled to the representation
172 upon the board, and he shall be elected only by the qualified
173 electors of such district. All vacancies which may occur during a
174 term of office shall be filled by appointment of the consolidated
175 line school district trustees, but the person so appointed shall
176 serve only until the next general election following such
177 appointment, at which time a person shall be elected for the
178 remainder of the unexpired term at the same time and in the same
179 manner as the trustee is elected for the full term then expiring.
180 The person so elected to the unexpired term shall take office
181 immediately.

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

186 37-7-207. (1) All school districts reconstituted or created
187 under the provisions of Article 3 of this chapter, and which lie
188 wholly within one (1) county, but not including municipal separate
189 and countywide districts, shall be governed by a board of five (5)
190 trustees. The first board of trustees of such districts shall be
191 appointed by the county board of education, and the original
192 appointments shall be so made that one (1) trustee shall be
193 appointed to serve until the first Saturday of March following
194 such appointments, one (1) for one (1) year longer, one (1) for
195 two (2) years longer, one (1) for three (3) years longer, and one



196 (1) for four (4) years longer. After such original appointments,
197 the trustees of such school districts shall be elected by the
198 qualified electors of such school districts in the manner provided
199 for in Sections 37-7-223 through 37-7-229, Mississippi Code of
200 1972, with each trustee to be elected for a term of four (4)
201 years. The five (5) members of the board of trustees of such
202 consolidated school district may be elected from special trustee
203 election districts by the qualified electors thereof, as herein
204 provided. The board of trustees of such consolidated school
205 district shall apportion the consolidated school district into
206 five (5) special trustee election districts. The board of
207 trustees of such consolidated school district shall place upon its
208 minutes the boundaries determined for the new five (5) trustee
209 election districts. The board of trustees shall thereafter
210 publish the same in a newspaper of general circulation within the
211 school district for at least three (3) consecutive weeks; and
212 after having given notice of publication and recording the same
213 upon the minutes of the board of trustees, the new district lines
214 shall thereafter be effective. Provided, however, that in any
215 line consolidated school district encompassing two (2) or more
216 counties created pursuant to Laws, 1953, Extraordinary Session,
217 Chapter 12, Section 8, in which, as a condition precedent to the
218 creation of the district, each county belonging thereto was
219 contractually guaranteed to always have at least one (1)
220 representative on the board, in order that the condition precedent
221 may be honored and guaranteed, in any year in which the board of
222 trustees of such line consolidated school district does not have
223 at least one (1) member from each county or part thereof forming
224 such district, the board of trustees in such district shall be
225 governed by a board of a sufficient number of trustees to fulfill
226 this guarantee, five (5) of whom shall be elected from the five
227 (5) special trustee election districts which shall be as nearly
228 equal as possible and one (1) member trustee appointed at large



229 from each county not having representation on the elected board.
230 In such cases, the board of supervisors of each county shall make
231 written agreement to guarantee the manner of appointment of at
232 least one (1) representative from each county in the district,
233 placing such written agreement on the minutes of each board of
234 supervisors in each county.

235 On the first Tuesday after the first Monday in November 2003
236 and every four (4) years thereafter, in * * * any consolidated
237 school district electing to utilize the authority to create single
238 member election districts, an election shall be held * * * for the
239 purpose of electing the board of trustees of such district. At
240 the election the member of the * * * board * * * shall be elected
241 for a term of four (4) years * * *. Thereafter, members shall be
242 elected at general elections as vacancies occur for terms of four
243 (4) years each. However, in order to provide for an orderly
244 transition, each member of such boards serving on the date House
245 Bill No. , 2003 Regular Session, becomes effective and whose
246 term expires after the first Monday of January 2004 shall continue
247 to serve for the remainder of the unexpired term, at which time
248 the vacancy shall be filled in the manner provided in this
249 paragraph. Trustees elected from single member election districts
250 as provided above shall * * * be elected as provided for in
251 Sections 37-7-223 through 37-7-229, Mississippi Code of 1972. All
252 members of the * * * board of trustees shall take office on the
253 first Monday of January following the date of their election. All
254 vacancies which may occur during a term shall be filled by
255 appointment of the consolidated school district trustees, but the
256 person so appointed shall serve only until the next general
257 election following such appointment, at which time a person shall
258 be elected for the remainder of the unexpired term at the same
259 time and in the same manner as a trustee is elected for the full
260 term then expiring. The person so elected to the unexpired term
261 shall take office immediately. The appointee shall be selected



262 from the qualified electors of the district in which the vacancy
263 occurs.

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

291 On the first Tuesday after the first Monday in November 2003
292 and every four (4) years thereafter, in * * * any line
293 consolidated school district electing to utilize the authority to
294 create single member election districts, an election shall be



295 held * * * for the purpose of electing the board of trustees of
296 such district. At the election the member of the * * *
297 board * * * shall be elected for a term of four (4) years * * *.
298 Thereafter, members shall be elected at general elections as
299 vacancies occur for terms of four (4) years each. However, in
300 order to provide for an orderly transition, each member of such
301 boards serving on the date House Bill No. , 2003 Regular
302 Session, becomes effective and whose term expires after the first
303 Monday of January 2004 shall continue to serve for the remainder
304 of the unexpired term, at which time the vacancy shall be filled
305 in the manner provided in this paragraph. Trustees elected from
306 single member election districts as provided above shall otherwise
307 be elected as provided for in Sections 37-7-223 through 37-7-229,
308 Mississippi Code of 1972. All members of the * * * board of
309 trustees shall take office on the first Monday of January
310 following the date of their election. In all such elections, the
311 trustee elected shall be a resident and qualified elector of the
312 district entitled to the representation upon the board, and he
313 shall be elected only by the qualified electors of such district.
314 All vacancies which may occur during a term of office shall be
315 filled by appointment of the consolidated line school district
316 trustees, but the person so appointed shall serve only until the
317 next general election following such appointment, at which time a
318 person shall be elected for the remainder of the unexpired term at
319 the same time and in the same manner as the trustee is elected for
320 the full term then expiring. The person so elected to the
321 unexpired term shall take office immediately.

322 **SECTION 3.** Section 37-7-707, Mississippi Code of 1972, is
323 amended as follows:

324 37-7-707. In all such special municipal separate school
325 districts which may be so organized, reorganized or reconstituted
326 to embrace the entire county in which the majority of the
327 inhabitants of the county reside outside the corporate limits of



328 the municipality, the board of trustees of such district shall be
329 composed of five (5) members, one (1) of whom shall be a resident
330 qualified elector of each supervisors district of the county. The
331 trustees shall be elected from the county at large by the
332 qualified electors of the county at the first regular general
333 election following the approval by the State Board of Education of
334 the organization of such district. Such trustees shall take
335 office on the first Monday of January following their election.

336 At such election the members of the * * * board * * * shall
337 be elected for a term of four (4) years. However, in order to
338 provide for an orderly transition, each member of such boards
339 serving on the date House Bill No. , 2003 Regular Session,
340 becomes effective and whose term expires after the first Monday of
341 January 2004 shall continue to serve for the remainder of the
342 unexpired term, at which time the vacancy shall be filled in the
343 manner provided in Section 37-7-709. Thereafter members shall be
344 elected at regular general elections * * * for terms of four (4)
345 years each and shall take office on the first Monday of January
346 after their election.

347 **SECTION 4.** Section 37-7-713, Mississippi Code of 1972, is
348 amended as follows:

349 37-7-713. In all special municipal separate school districts
350 where the district embraces less than the entire area of the
351 county and where the majority of the educable children of the
352 district reside outside the limits of the municipality, unless the
353 governing authorities of the municipality and the county provide
354 for one (1) of the alternative methods of organization as set out
355 in Sections 37-7-715 and 37-7-717, the * * * special municipal
356 separate school district shall be governed by a board of trustees
357 consisting of five (5) members, to be elected by the qualified
358 electors of the municipal separate school district from the
359 district at large in the manner provided by Sections 37-7-223



360 through 37-7-229, and all duties imposed upon the county
361 superintendent of education by said sections with reference to the
362 elections shall be imposed upon and performed by the
363 superintendent of the municipal separate school district.
364 However, the first board of trustees of the special municipal
365 separate school district shall be appointed in the following
366 manner. The governing authorities of the municipality shall
367 appoint three (3) trustees, and the appointments shall be made so
368 that one (1) trustee shall be appointed to serve until the first
369 Saturday of March following the appointment, one (1) for two (2)
370 years longer, and one (1) for four (4) years longer. The board of
371 education of the county shall appoint two (2) trustees, the
372 appointments to be made so that one (1) trustee shall be appointed
373 to serve until the first Saturday of March of the second year
374 following the appointment, and one (1) trustee for two (2) years
375 longer. After the original appointments, the trustees of * * * a
376 special municipal separate school district shall be elected for a
377 term of four (4) years, as * * * provided in this section.
378 However, in order to provide for an orderly transition, each
379 member of such boards serving on the date House Bill No. _____,
380 2003 Regular Session, becomes effective and whose term expires
381 after the first Monday of January 2004 shall continue to serve for
382 the remainder of the unexpired term, at which time the vacancy
383 shall be filled in the manner provided in this section. All
384 members of the board of trustees shall take office on the first
385 Monday of January following the date of their election. All * * *
386 members of the board of trustees shall be residents and qualified
387 electors of the school district. All vacancies which may occur
388 during a term of office shall be filled by appointment by the
389 remaining members of the board of trustees, the appointee to have
390 the same qualifications as other members of the board. The
391 appointment shall be made within thirty (30) days after the
392 vacancy occurs. The person so appointed shall serve only until



393 his successor shall have qualified. The successor to serve the
394 remainder of the unexpired term shall be elected on the first
395 Tuesday after the first Monday in November next following the
396 occurrence of the vacancy in the same manner as provided for by
397 Sections 37-7-223 through 37-7-229.

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

405 **SECTION 6.** This act shall take effect and be in force from
406 and after July 1, 2003, if it is effectuated on or before that
407 date under Section 5 of the Voting Rights Act of 1965, as amended
408 and extended. If it is effectuated under Section 5 of the Voting
409 Rights Act of 1965, as amended and extended, after July 1, 2003,
410 this act shall take effect and be in force from and after the date
411 it is effectuated under Section 5 of the Voting Rights Act of
412 1965, as amended and extended.

