Mississippi Legislature

Regular Session 2003

To: Education; Apportionment and Elections

By: Representative Moore (60th)

House Bill No. 291

An Act to Amend Section 37-5-7, Mississippi Code of 1972, to provide for the election of members of the county boards of education at the same time as general state and county elections and to establish a term of four years for such office; to amend sections 37-7-207, 37-7-707 and 37-7-713, Mississippi Code of 1972, to provide for the election of members of elected school boards of consolidated school districts, line consolidated school districts and special municipal separate school districts at the same time for a term of four years; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

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

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

(2) On the first Tuesday after the first Monday in November 2003 and every four (4) years thereafter, in any *** county...
electing to utilize the authority contained in Section 37-5-1(2), an election shall be held for the purpose of electing the county board of education in such county. At the election the members of the county board of education shall be elected for a term of four years. However, in order to provide for an orderly transition, each member of such boards serving on the date House Bill No. , 2003 Regular Session, becomes effective and whose term expires after the first Monday of January 2004 shall continue to serve for the remainder of the unexpired term, at which time the vacancy shall be filled in the manner provided in Section 37-5-19. All members of the county board of education shall take office on the first Monday of January following the date of their election.

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

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

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

On the first Tuesday after the first Monday in November 2003
and every four (4) years thereafter, in any consolidated
school district electing to utilize the authority to create single
member election districts, an election shall be held for the
purpose of electing the board of trustees of such district. At
the election, the members of the board shall be
elected for a term of four (4) years. Thereafter, members
shall be elected at general elections as vacancies occur for terms
of four (4) years each. However, in order to provide for an
orderly transition, each member of such boards serving on the date
House Bill No. , 2003 Regular Session, becomes effective and
whose term expires after the first Monday of January 2004 shall
continue to serve for the remainder of the unexpired term, at
which time the vacancy shall be filled in the manner provided in
this paragraph. Trustees elected from single member election
districts as provided above shall be elected as provided for
in Sections 37-7-223 through 37-7-229. All members of the board of trustees shall take office on the first Monday of January
following the date of their election. All vacancies which may
occur during a term shall be filled by appointment of the
consolidated school district trustees, but the person so appointed shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as a trustee is elected for the full term then expiring. The person so elected to the unexpired term shall take office immediately. The appointee shall be selected from the qualified electors of the district in which the vacancy occurs.

(2) All school districts reconstituted and created under the provisions of Article 3 of this chapter, which embrace territory in two (2) or more counties, but not including municipal separate school districts, shall be governed by a board of five (5) trustees. In making the original appointments, the several county boards of education shall appoint the trustee or trustees to which the territory in such county is entitled, and, by agreement between the county boards concerned, one (1) person shall be appointed to serve until the first Saturday of March following, one (1) for one (1) year longer, one (1) for two (2) years longer, one (1) for three (3) years longer and one (1) for four (4) years longer. Thereafter, such trustees shall be elected as is provided for in Sections 37-7-223 through 37-7-229, for a term of four (4) years. The five (5) members of the board of trustees of such line consolidated school district shall be elected from special trustee election districts by the qualified electors thereof, as herein provided. The existing board of trustees of such line consolidated school district shall apportion the line consolidated school district into five (5) special trustee election districts. The board of trustees shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The board of trustees shall thereafter publish the same in a newspaper of general circulation within the school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board,
of trustees, the new district lines shall thereafter be effective. Provided, however, that in any line consolidated school district encompassing two (2) or more counties created pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section 8, in which, as a condition precedent to the creation of the district, each county belonging thereto was contractually guaranteed to always have at least one (1) representative on the board, in order that the condition precedent may be honored and guaranteed, in any year in which the board of trustees of such line consolidated school district does not have at least one (1) member from each county or part thereof forming such district, the board of trustees in such district shall be governed by a board of a sufficient number of trustees to fulfill this guarantee, five (5) of whom shall be elected from the five (5) special trustee election districts which shall be as nearly equal as possible and one (1) member trustee appointed at large from each county not having representation on the elected board. In such cases, the board of supervisors of each county shall make written agreement to guarantee the manner of appointment of at least one (1) representative from each county in the district, placing such written agreement on the minutes of each board of supervisors in each county.

On the first Tuesday after the first Monday in November 2003 and every four (4) years thereafter, in any line consolidated school district electing to utilize the authority to create single member election districts, an election shall be held for the purpose of electing the board of trustees of such district. At the election the members of the board shall be elected for a term of four (4) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of four (4) years each. However, in order to provide for an orderly transition, each member of such boards serving on the date House Bill No. , 2003 Regular Session, becomes effective and whose term expires after the first
Monday of January 2004 shall continue to serve for the remainder of the unexpired term, at which time the vacancy shall be filled in the manner provided in this paragraph. Trustees elected from single member election districts as provided above shall be elected as provided for in Sections 37-7-223 through 37-7-229. All members of the board of trustees shall take office on the first Monday of January following the date of their election. In all elections, the trustee elected shall be a resident and qualified elector of the district entitled to the representation upon the board, and he shall be elected only by the qualified electors of such district. All vacancies which may occur during a term of office shall be filled by appointment of the consolidated line school district trustees, but the person so appointed shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as the trustee is elected for the full term then expiring. The person so elected to the unexpired term shall take office immediately.

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

37-7-207. (1) All school districts reconstituted or created under the provisions of Article 3 of this chapter, and which lie wholly within one (1) county, but not including municipal separate and countywide districts, shall be governed by a board of five (5) trustees. The first board of trustees of such districts shall be appointed by the county board of education, and the original appointments shall be so made that one (1) trustee shall be appointed to serve until the first Saturday of March following such appointments, one (1) for one (1) year longer, one (1) for two (2) years longer, one (1) for three (3) years longer, and one
(1) for four (4) years longer. After such original appointments, the trustees of such school districts shall be elected by the qualified electors of such school districts in the manner provided for in Sections 37-7-223 through 37-7-229, Mississippi Code of 1972, with each trustee to be elected for a term of four (4) years. The five (5) members of the board of trustees of such consolidated school district may be elected from special trustee election districts by the qualified electors thereof, as herein provided. The board of trustees of such consolidated school district shall apportion the consolidated school district into five (5) special trustee election districts. The board of trustees of such consolidated school district shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The board of trustees shall thereafter publish the same in a newspaper of general circulation within the school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees, the new district lines shall thereafter be effective. Provided, however, that in any line consolidated school district encompassing two (2) or more counties created pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section 8, in which, as a condition precedent to the creation of the district, each county belonging thereto was contractually guaranteed to always have at least one (1) representative on the board, in order that the condition precedent may be honored and guaranteed, in any year in which the board of trustees of such line consolidated school district does not have at least one (1) member from each county or part thereof forming such district, the board of trustees in such district shall be governed by a board of a sufficient number of trustees to fulfill this guarantee, five (5) of whom shall be elected from the five (5) special trustee election districts which shall be as nearly equal as possible and one (1) member trustee appointed at large
from each county not having representation on the elected board. In such cases, the board of supervisors of each county shall make written agreement to guarantee the manner of appointment of at least one (1) representative from each county in the district, placing such written agreement on the minutes of each board of supervisors in each county.

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

(2) All school districts reconstituted and created under the provisions of Article 3 of this chapter, which embrace territory in two (2) or more counties, but not including municipal separate school districts, shall be governed by a board of five (5) trustees. In making the original appointments, the several county boards of education shall appoint the trustee or trustees to which the territory in such county is entitled, and, by agreement between the county boards concerned, one (1) person shall be appointed to serve until the first Saturday of March following such appointments, one (1) for one (1) year longer, one (1) for two (2) years longer, one (1) for three (3) years longer and one (1) for four (4) years longer. Thereafter, such trustees shall be elected as is provided for in Sections 37-7-223 through 37-7-229, Mississippi Code of 1972, for a term of four (4) years. The five (5) members of the board of trustees of such line consolidated school district may be elected from special trustee election districts by the qualified electors thereof, as herein provided.

The board of trustees of any such line consolidated school district shall apportion the line consolidated school district into five (5) special trustee election districts. The board of trustees shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The board of trustees shall thereafter publish the same in a newspaper of general circulation within the school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees, the new district lines shall thereafter be effective. On the first Tuesday after the first Monday in November 2003 and every four (4) years thereafter, in any line consolidated school district electing to utilize the authority to create single member election districts, an election shall be
held * * * for the purpose of electing the board of trustees of such district. At the election the member of the * * *
board * * * shall be elected for a term of four (4) years * * *. Thereafter, members shall be elected at general elections as vacancies occur for terms of four (4) years each. However, in order to provide for an orderly transition, each member of such boards serving on the date House Bill No. _____, 2003 Regular Session, becomes effective and whose term expires after the first Monday of January 2004 shall continue to serve for the remainder of the unexpired term, at which time the vacancy shall be filled in the manner provided in this paragraph. Trustees elected from single member election districts as provided above shall otherwise be elected as provided for in Sections 37-7-223 through 37-7-229, Mississippi Code of 1972. All members of the * * * board of trustees shall take office on the first Monday of January following the date of their election. In all such elections, the trustee elected shall be a resident and qualified elector of the district entitled to the representation upon the board, and he shall be elected only by the qualified electors of such district. All vacancies which may occur during a term of office shall be filled by appointment of the consolidated line school district trustees, but the person so appointed shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as the trustee is elected for the full term then expiring. The person so elected to the unexpired term shall take office immediately.

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

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

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

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

37-7-713. In all special municipal separate school districts
where the district embraces less than the entire area of the
county and where the majority of the educable children of the
district reside outside the limits of the municipality, unless the
governing authorities of the municipality and the county provide
for one (1) of the alternative methods of organization as set out
in Sections 37-7-715 and 37-7-717, the * * * special municipal
separate school district shall be governed by a board of trustees
consisting of five (5) members, to be elected by the qualified
electors of the municipal separate school district from the
district at large in the manner provided by Sections 37-7-223
through 37-7-229, and all duties imposed upon the county superintendent of education by said sections with reference to the elections shall be imposed upon and performed by the superintendent of the municipal separate school district. However, the first board of trustees of the special municipal separate school district shall be appointed in the following manner. The governing authorities of the municipality shall appoint three (3) trustees, and the appointments shall be made so that one (1) trustee shall be appointed to serve until the first Saturday of March following the appointment, one (1) for two (2) years longer, and one (1) for four (4) years longer. The board of education of the county shall appoint two (2) trustees, the appointments to be made so that one (1) trustee shall be appointed to serve until the first Saturday of March of the second year following the appointment, and one (1) trustee for two (2) years longer. After the original appointments, the trustees of a special municipal separate school district shall be elected for a term of four (4) years, as provided in this section. However, in order to provide for an orderly transition, each member of such boards serving on the date House Bill No. 291, 2003 Regular Session, becomes effective and whose term expires after the first Monday of January 2004 shall continue to serve for the remainder of the unexpired term, at which time the vacancy shall be filled in the manner provided in this section. All members of the board of trustees shall take office on the first Monday of January following the date of their election. All members of the board of trustees shall be residents and qualified electors of the school district. All vacancies which may occur during a term of office shall be filled by appointment by the remaining members of the board of trustees, the appointee to have the same qualifications as other members of the board. The appointment shall be made within thirty (30) days after the vacancy occurs. The person so appointed shall serve only until
his successor shall have qualified. The successor to serve the remainder of the unexpired term shall be elected on the first Tuesday after the first Monday in November next following the occurrence of the vacancy in the same manner as provided for by Sections 37-7-223 through 37-7-229.

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

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