

By: Representative Frierson

To: Education; Apportionment
and Elections

HOUSE BILL NO. 1262

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

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

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



48 (1) The school board of each school district in the State of
49 Mississippi shall consist of five (5) members. Beginning in 2003,
50 the members of the school board shall be elected from special
51 school board member districts in the manner provided under this
52 section.

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

77 (3) In order to provide for an orderly transition in the
78 membership of each school board from those members elected or
79 appointed to the school board under the laws in effect before the
80 effective date of House Bill No. _____, 2003 Regular Session, to



81 members elected under the provisions of House Bill No. _____, 2003
82 Regular Session, the following election schedule is established
83 for all school districts:

84 (a) On the first Tuesday after the first Monday in
85 November 2003, an election shall be held for the purpose of
86 electing a member of the school board to succeed the member whose
87 term of office is scheduled to expire in 2003. The term of office
88 of this member which is scheduled to expire in 2003 shall be
89 extended until the first Monday of January 2004, at which time the
90 member's duly elected successor shall take office. The member
91 elected in November 2003 must be a resident of the school board
92 member district in which the member whose term expires in January
93 2004 resides. The initial term of office of this elected member
94 of the school board shall expire on the first Monday of January
95 2008.

96 (b) On the first Tuesday after the first Monday in
97 November 2004, an election shall be held for the purpose of
98 electing a member of the school board to succeed the member whose
99 term of office expires in 2004. The term of office of this member
100 which is scheduled to expire in 2004 shall be extended until the
101 first Monday of January 2005, at which time the member's duly
102 elected successor shall take office. The member elected in
103 November 2004 must be a resident of the school board member
104 district in which the member whose term expires in January 2005
105 resides; however, if the member whose term expires in January 2005
106 is a resident of a school board member district from which a
107 member already has been elected under this section, then the
108 member elected under this paragraph must be a resident of the
109 lowest numbered school board member district that has not been
110 filled yet pursuant to this section. The initial term of office
111 of this elected member of the school board shall expire on the
112 first Monday of January 2008.



113 (c) On the first Tuesday after the first Monday in
114 November 2005, an election shall be held for the purpose of
115 electing a member of the school board to succeed the member whose
116 term of office expires in 2005. The term of office of this member
117 which is scheduled to expire in 2005 shall be extended until the
118 first Monday of January 2006, at which time the member's duly
119 elected successor shall take office. The member elected in
120 November 2005 must be a resident of the school board member
121 district in which the member whose term expires in January 2006
122 resides; however, if the member whose term expires in January 2006
123 is a resident of a school board member district from which a
124 member already has been elected under this section, then the
125 member elected under this paragraph must be a resident of the
126 lowest numbered school board member district that has not been
127 filled yet pursuant to this section. The initial term of office
128 of this elected member of the school board shall expire on the
129 first Monday of January 2008.

130 (d) On the first Tuesday after the first Monday in
131 November 2006, an election shall be held for the purpose of
132 electing a member of the school board to succeed the member whose
133 term of office expires in 2006. The term of office of this member
134 which is scheduled to expire in 2006 shall be extended until the
135 first Monday of January 2007, at which time the member's duly
136 elected successor shall take office. The member elected in
137 November 2006 must be a resident of the school board member
138 district in which the member whose term expires in January 2007
139 resides; however, if the member whose term expires in January 2007
140 is a resident of a school board member district from which a
141 member already has been elected under this section, then the
142 member elected under this paragraph must be a resident of the
143 lowest numbered school board member district that has not been
144 filled yet pursuant to this section. The initial term of office



145 of this elected member of the school board shall expire on the
146 first Monday of January 2008.

147 (e) On the first Tuesday after the first Monday in
148 November 2007, an election shall be held for the purpose of
149 electing a member of the school board to succeed the member whose
150 term of office expires in 2007. The term of office of this member
151 which is scheduled to expire in 2007 shall be extended until the
152 first Monday of January 2008, at which time the member's duly
153 elected successor shall take office. The member elected in
154 November 2007 must be a resident of the school board member
155 district that has not been filled yet pursuant to this section.
156 The initial term of office of this elected member of the school
157 board shall expire on the first Monday of January 2012.

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

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

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

169 (5) Candidates for the school board shall file with the
170 county election commissioners, not more than ninety (90) days nor
171 less than sixty (60) days before the date of the election, a
172 petition of nomination signed by at least fifty (50) or twenty
173 percent (20%) of the qualified electors of the school board member
174 district, whichever is less. The name of each qualified candidate
175 shall be placed on the ballot. The election shall be held in the
176 same manner as the general elections are held. The candidate in
177 each school board member district who receives a majority of the



178 votes cast by the qualified electors in that district shall be
179 elected. However, if no candidate receives a majority of the
180 votes, a runoff election shall be held two (2) weeks after the
181 election. The names of the candidate receiving the highest number
182 of votes and the candidate, or candidates in the event of a tie,
183 receiving the next highest vote for the office shall be placed on
184 the ballot in the runoff election. The person receiving the
185 highest number of votes cast by the qualified electors in the
186 runoff election shall be elected. All persons elected to serve on
187 the school board shall take office on the first Monday of January
188 next following the date of their election.

189 (6) Whenever there is a vacancy in the membership of the
190 school board, the vacancy shall be filled, depending upon the
191 length of the unexpired term of the vacated office, in the manner
192 provided under this subsection.

193 (a) If the unexpired term of the vacated office is six
194 (6) months or less, the remaining members of the school board
195 shall appoint, within sixty (60) days after the vacancy occurs, a
196 person to serve the unexpired portion of the term. The appointee
197 shall be selected from the qualified electors of the school board
198 member district in which the vacancy occurs. The chairman of the
199 school board shall certify to the Secretary of State the fact of
200 the appointment, and the Governor shall commission the person
201 appointed.

202 (b) If the unexpired term of the vacated office is
203 greater than six (6) months, an election shall be held to fill the
204 vacancy. The school board shall certify in writing the fact of
205 the vacancy to the municipal governing authorities, if the school
206 district is a municipal separate school district or a special
207 municipal separate school district, or to the board of supervisors
208 in the case of all other school districts. At the next regular
209 meeting of the municipal governing authorities or board of
210 supervisors, as the case may be, after its receipt of



211 certification of the vacancy from the school board, the municipal
212 governing authorities or board of supervisors shall make and enter
213 on its minutes an order for an election to be held in the school
214 board member district in which the vacancy exists and shall fix
215 the date upon which the election shall be held, which date shall
216 not be less than thirty (30) days nor more than forty-five (45)
217 days after the date upon which the order is adopted.

218 The municipal governing authorities or board of supervisors,
219 as the case may be, shall cause to be published notice of the
220 election in a newspaper of general circulation within the school
221 district once each week for three (3) successive weeks preceding
222 the date of the election. The first notice must be published at
223 least thirty (30) days before the date of the election. Notice
224 also shall be given by the school board by posting a copy of the
225 notice at three (3) public places in the school board member
226 district in which the vacancy exists and at the administrative
227 offices of the school board not less than twenty-one (21) days
228 before the date of the election.

229 Candidates for the vacated office shall file with the
230 municipal governing authorities or the board of supervisors, as
231 the case may be, not less than ten (10) days before the date of
232 the election, a petition of nomination signed by at least fifty
233 (50) or twenty percent (20%) of the qualified electors of the
234 school board member district, whichever is less. The election
235 shall be held, as far as practicable, in the same manner as school
236 board elections are conducted under this section. The candidate
237 who receives a majority of the votes cast by the qualified
238 electors in the school board member district shall be elected.
239 However, if no candidate receives a majority of the votes, a
240 runoff election shall be held two (2) weeks after the election.
241 The names of the candidate receiving the highest number of votes
242 and the candidate, or candidates in the event of a tie, receiving
243 the next highest vote for the office shall be placed on the ballot



244 in the runoff election. The person receiving the highest number
245 of votes cast by the qualified electors in the runoff election
246 shall be elected. The clerk of the election commission shall give
247 a certificate of election to the person elected and shall return
248 to the Secretary of State a copy of the order of holding the
249 election and its results, certified by the clerk. The Governor
250 shall commission the person elected to serve the remainder of the
251 unexpired term.

252 However, if nine (9) days before the date of the election
253 only one (1) person has qualified as a candidate, the municipal
254 governing authorities or board of supervisors, as the case may be,
255 shall dispense with the election, and the remaining members of the
256 school board shall appoint that candidate to fill the unexpired
257 term. If no person has qualified at least nine (9) days before
258 the election, the election shall be dispensed with, and the
259 remaining members of the school board shall appoint a person,
260 selected from the qualified electors of the school board member
261 district in which the vacancy exists, to fill the unexpired term.
262 The chairman of the school board shall certify to the Secretary of
263 State the fact of the appointment, and the Governor shall
264 commission the person appointed.

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

267 (1) The school board of each school district in the State of
268 Mississippi shall consist of five (5) members. The members of the
269 school board shall be elected from special school board member
270 districts in the manner provided under this section.

271 (2) The governing authorities of a municipality having a
272 municipal separate school district or special municipal separate
273 school district shall apportion the school district, including any
274 added territory, into five (5) single school board member
275 districts. All other school districts shall be apportioned in the
276 same manner by the boards of supervisors. The school board member



277 districts must be as nearly equal as possible according to
278 population. The municipal governing authorities and boards of
279 supervisors shall submit the school board member district lines to
280 the United States Department of Justice for preclearance or to the
281 United States District Court for the District of Columbia for a
282 declaratory judgment in accordance with the provisions of the
283 Voting Rights Act of 1965, as amended and extended. If the school
284 board member district lines in a school district are precleared by
285 the United States Department of Justice or approved by the United
286 States District Court, the municipal governing authorities or
287 board of supervisors, as the case may be, and the school board of
288 the school district shall place upon their minutes the boundaries
289 established for the five (5) school board member districts, and
290 the school board shall publish the boundaries in a newspaper of
291 general circulation within the school district for at least three
292 (3) consecutive weeks. After having given notice of publication
293 and recording the publication upon the minutes of the school
294 board, the school board member district lines shall be effective.
295 As soon as practicable after the results of the 2010 federal
296 decennial census and every federal decennial census thereafter are
297 published, the municipal governing authorities and boards of
298 supervisors shall reapportion the school board member districts in
299 the manner prescribed in this subsection for the creation of the
300 original districts.

301 (3) In order for a person to be eligible to be elected to
302 serve on the school board, the person must be a bona fide resident
303 and qualified elector of the school board member district entitled
304 to such representation on the school board. Each member shall
305 serve for a term of four (4) years.

306 (4) On the first Tuesday after the first Monday in November
307 2007 and every four (4) years thereafter, the election of members
308 of all school boards in the State of Mississippi shall be held in



309 the same manner and at the same time as the general elections are
310 held.

311 (5) Candidates for the school board shall file with the
312 county election commissioners, not more than ninety (90) days nor
313 less than sixty (60) days before the date of the election, a
314 petition of nomination signed by at least fifty (50) or twenty
315 percent (20%) of the qualified electors of the school board member
316 district, whichever is less. The name of each qualified candidate
317 shall be placed on the ballot. The election shall be held in the
318 same manner as the general elections are held. The candidate in
319 each school board member district who receives a majority of the
320 votes cast by the qualified electors in that district shall be
321 elected. However, if no candidate receives a majority of the
322 votes, a runoff election shall be held two (2) weeks after the
323 election. The names of the candidate receiving the highest number
324 of votes and the candidate, or candidates in the event of a tie,
325 receiving the next highest vote for the office shall be placed on
326 the ballot in the runoff election. The person receiving the
327 highest number of votes cast by the qualified electors in the
328 runoff election shall be elected. All persons elected to serve on
329 the school board shall take office on the first Monday of January
330 next following the date of their election.

331 (6) Whenever there is a vacancy in the membership of the
332 school board, the vacancy shall be filled, depending upon the
333 length of the unexpired term of the vacated office, in the manner
334 provided under this subsection.

335 (a) If the unexpired term of the vacated office is six
336 (6) months or less, the remaining members of the school board
337 shall appoint, within sixty (60) days after the vacancy occurs, a
338 person to serve the unexpired portion of the term. The appointee
339 shall be selected from the qualified electors of the school board
340 member district in which the vacancy occurs. The chairman of the
341 school board shall certify to the Secretary of State the fact of



342 the appointment, and the Governor shall commission the person
343 appointed.

344 (b) If the unexpired term of the vacated office is
345 greater than six (6) months, an election shall be held to fill the
346 vacancy. The school board shall certify in writing the fact of
347 the vacancy to the municipal governing authorities, if the school
348 district is a municipal separate school district or a special
349 municipal separate school district, or to the board of supervisors
350 in the case of all other school districts. At the next regular
351 meeting of the municipal governing authorities or board of
352 supervisors, as the case may be, after its receipt of
353 certification of the vacancy from the school board, the municipal
354 governing authorities or board of supervisors shall make and enter
355 on its minutes an order for an election to be held in the school
356 board member district in which the vacancy exists and shall fix
357 the date upon which the election shall be held, which date shall
358 not be less than thirty (30) days nor more than forty-five (45)
359 days after the date upon which the order is adopted.

360 The municipal governing authorities or board of supervisors,
361 as the case may be, shall cause to be published notice of the
362 election in a newspaper of general circulation within the school
363 district once each week for three (3) successive weeks preceding
364 the date of the election. The first notice must be published at
365 least thirty (30) days before the date of the election. Notice
366 also shall be given by the school board by posting a copy of the
367 notice at three (3) public places in the school board member
368 district in which the vacancy exists and at the administrative
369 offices of the school board not less than twenty-one (21) days
370 before the date of the election.

371 Candidates for the vacated office shall file with the
372 municipal governing authorities or the board of supervisors, as
373 the case may be, not less than ten (10) days before the date of
374 the election, a petition of nomination signed by at least fifty



375 (50) or twenty percent (20%) of the qualified electors of the
376 school board member district, whichever is less. The election
377 shall be held, as far as practicable, in the same manner as school
378 board elections are conducted under this section. The candidate
379 who receives a majority of the votes cast by the qualified
380 electors in the school board member district shall be elected.
381 However, if no candidate receives a majority of the votes, a
382 runoff election shall be held two (2) weeks after the election.
383 The names of the candidate receiving the highest number of votes
384 and the candidate, or candidates in the event of a tie, receiving
385 the next highest vote for the office shall be placed on the ballot
386 in the runoff election. The person receiving the highest number
387 of votes cast by the qualified electors in the runoff election
388 shall be elected. The clerk of the election commission shall give
389 a certificate of election to the person elected and shall return
390 to the Secretary of State a copy of the order of holding the
391 election and its results, certified by the clerk. The Governor
392 shall commission the person elected to serve the remainder of the
393 unexpired term.

394 However, if nine (9) days before the date of the election
395 only one (1) person has qualified as a candidate, the municipal
396 governing authorities or board of supervisors, as the case may be,
397 shall dispense with the election, and the remaining members of the
398 school board shall appoint that candidate to fill the unexpired
399 term. If no person has qualified at least nine (9) days before
400 the election, the election shall be dispensed with, and the
401 remaining members of the school board shall appoint a person,
402 selected from the qualified electors of the school board member
403 district in which the vacancy exists, to fill the unexpired term.
404 The chairman of the school board shall certify to the Secretary of
405 State the fact of the appointment, and the Governor shall
406 commission the person appointed.



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

409 37-5-7. (1) Subject to the provisions of subsection (3) of
410 this section and Section 1 of House Bill No. , 2003 Regular
411 Session, on the first Tuesday after the first Monday in May, 1954,
412 an election shall be held in each county in this state in the same
413 manner as general state and county elections are held and
414 conducted, which election shall be held for the purpose of
415 electing the county boards of education established under the
416 provisions of this chapter. At such election, the members of the
417 said board from Supervisors Districts One and Two shall be elected
418 for the term expiring on the first Monday of January, 1957;
419 members of the board from Supervisors Districts Three and Four
420 shall be elected for a term expiring on the first Monday of
421 January, 1959; and the member of the board from Supervisors
422 District Five shall be elected for a term expiring on the first
423 Monday of January, 1955. Except as otherwise provided in
424 subsection (2), all subsequent members of the board shall be
425 elected for a term of six (6) years at the regular general
426 election held on the first Monday in November next preceding the
427 expiration of the term of office of the respective member or
428 members of such board. All members of the county board of
429 education as herein constituted, shall take office on the first
430 Monday of January following the date of their election.

431 (2) Subject to the provisions of subsection (3) of this
432 section and Section 1 of House Bill No. , 2003 Regular
433 Session, on the first Tuesday after the first Monday in November,
434 in any year in which any county shall elect to utilize the
435 authority contained in Section 37-5-1(2), an election shall be
436 held in each such county in this state for the purpose of electing
437 the county boards of education in such counties. At said election
438 the members of the said county board of education from Districts
439 One and Two shall be elected for a term of four (4) years, the



440 members from Districts Three and Four shall be elected for a term
441 of six (6) years, and the member from District Five shall be
442 elected for a term of (2) years. Thereafter, members shall be
443 elected at general elections as vacancies occur for terms of six
444 (6) years each. All members of the county board of education
445 shall take office on the first Monday of January following the
446 date of their election.

447 (3) Notwithstanding the provisions of this section, in order
448 to provide for an orderly transition in the membership of the
449 county boards of education from those members elected under the
450 laws in effect before the effective date of House Bill No. _____,
451 2003 Regular Session, to members elected under the provisions of
452 House Bill No. _____, 2003 Regular Session, the election schedule
453 prescribed in Section 1 of House Bill No. _____, 2003 Regular
454 Session shall be followed, and the terms of office of the school
455 board members elected under this section shall expire according to
456 that prescribed schedule, at which time the respective member's
457 duly elected successor shall take office.

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

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

461 37-7-203. (1) Subject to the provisions of subsection (3)
462 of this section and Section 1 of House Bill No. _____, 2003
463 Regular Session, the boards of trustees of all municipal separate
464 school districts created under the provisions of Article 1 of this
465 chapter, either with or without added territory, shall consist of
466 five (5) members, each to be chosen for a term of five (5) years,
467 but so chosen that the term of office of one (1) member shall
468 expire each year. In the event the added territory of a municipal
469 separate school district furnishes fifteen percent (15%) or more
470 of the pupils enrolled in the schools of such district, then at
471 least one (1) member of the board of trustees of such school
472 district shall be a resident of the added territory outside the



473 corporate limits. In the event the added territory of a municipal
474 separate school district furnishes thirty percent (30%) or more of
475 the pupils enrolled in the schools of such district, then not more
476 than two (2) members of the board of trustees of such school
477 district shall be residents of the added territory outside the
478 corporate limits. In the event the added territory of a municipal
479 separate school district in a county in which Mississippi Highways
480 8 and 15 intersect furnishes thirty percent (30%) or more of the
481 pupils enrolled in the schools of such district, then the five (5)
482 members of the board of trustees of such school district shall be
483 elected at large from such school district for a term of five (5)
484 years each except that the two (2) elected trustees presently
485 serving on such board shall continue to serve for their respective
486 terms of office. The three (3) appointed trustees presently
487 serving on such board shall continue to serve until their
488 successors are elected in March of 1975 in the manner provided for
489 in Section 37-7-215. At such election, one (1) trustee shall be
490 elected for a term of two (2) years, one (1) for a term of three
491 (3) years and one (1) for a term of five (5) years. Subsequent
492 terms for each successor trustee shall be for five (5) years. In
493 the event one (1) of two (2) municipal separate school districts
494 located in any county with two (2) judicial districts, District 1
495 being comprised of Supervisors Districts 1, 2, 4 and 5, and
496 District 2 being comprised of Supervisors District 3, with added
497 territory embraces three (3) full supervisors districts of a
498 county, one (1) trustee shall be elected from each of the three
499 (3) supervisors districts outside the corporate limits of the
500 municipality. In the further event that the territory of a
501 municipal separate school district located in any county with two
502 (2) judicial districts, District 1 being comprised of Supervisors
503 Districts 1, 2, 4 and 5, and District 2 being comprised of
504 Supervisors District 3, with added territory embraces four (4)
505 full supervisors districts in the county, and in any county in



506 which a municipal separate school district embraces the entire
507 county in which Highways 14 and 15 intersect, one (1) trustee
508 shall be elected from each supervisors district.

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

523 In the event that a portion of a county school district is
524 reconstituted, in the manner provided by law, into a municipal
525 separate school district with added territory and in the event
526 that the trustees to be elected from the added territory are
527 requested to be elected from separate election districts within
528 the added territory, instead of elected at large, by the Attorney
529 General of the United States as a result of and pursuant to
530 preclearance under Section 5 of the Voting Rights Act of 1965 as
531 amended and extended, and in the event the added territory of a
532 municipal separate school district of a municipality furnishes
533 thirty percent (30%) or more of the pupils enrolled in the schools
534 of such district, then two (2) members of the board of trustees
535 shall be residents of the added territory outside the corporate
536 limits of such municipality and shall be elected from special
537 trustee election districts by the qualified electors thereof as
538 herein provided. The board of trustees of the school district



539 shall apportion the added territory into two (2) special trustee
540 election districts as nearly as possible according to population
541 and other factors heretofore pronounced by the courts. The board
542 of trustees of the school district shall thereafter publish the
543 same in a newspaper of general circulation within said school
544 district for at least two (2) consecutive weeks; and after having
545 given notice of publication and recording the same upon the
546 minutes of the board of trustees of the school district, said new
547 district lines shall thereafter be effective. Any person elected
548 from the new trustee election districts constituted herein shall
549 be elected in the manner provided for in Section 37-7-215 for a
550 term of five (5) years. Any vacancy in the office of a trustee
551 elected from such trustee election district, whether occasioned by
552 redistricting or by other cause, shall be filled by appointment of
553 the municipal governing authorities * * *, provided that the
554 person so appointed shall serve only until the first Saturday of
555 March following his appointment, at which time a person shall be
556 elected for the remainder of the unexpired term in the manner
557 provided in Section 37-7-215.

558 In any county organizing a countywide municipal separate
559 school district after January 1, 1965, the trustees thereof to be
560 elected from outside the municipality, such trustees shall be
561 elected by the board of supervisors of such county, and the
562 superintendent of such school district shall have authority to pay
563 out and distribute the funds of said district. In the event a
564 municipal separate school district should occupy territory in a
565 county other than that in which the municipality is located and
566 fifteen percent (15%) or more of the pupils enrolled in the
567 schools of such district shall come from the territory of the
568 district in the county other than that in which the municipality
569 is located, the territory of such county in which the municipality
570 is not located shall be entitled to one (1) member on the board of
571 trustees of such school district. Said trustee shall be a



572 resident of the territory of that part of the district lying in
573 the county in which the municipality is not located and shall be
574 elected by the qualified electors of the territory of such county
575 at the same time and in the same manner as is provided for the
576 election of trustees of school districts other than municipal
577 separate school districts having territory in two (2) or more
578 counties.

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

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

593 (2) Subject to the provisions of subsection (3) of this
594 section and Section 1 of House Bill No. _____, 2003 Regular
595 Session, in counties of less than fifteen thousand (15,000) people
596 having a municipal separate school district with added territory
597 which embraces all the territory of a county, one (1) or more
598 trustees of such district shall be nominated from each supervisors
599 district upon petition of fifty (50) qualified electors of said
600 district, or twenty percent (20%) of the qualified electors of
601 such district, whichever number shall be smaller, and shall be
602 elected by a plurality of the vote of the qualified electors of
603 said county. One (1) trustee so elected shall reside in each
604 supervisors district of the county. In such counties embraced



605 entirely by a municipal separate school district there shall be no
606 county board of education after the formation of such district and
607 the county superintendent of education shall act as superintendent
608 of schools of said district and shall be appointed by the board of
609 trustees of said district, and the provisions of subsection (1) of
610 this section and the first paragraph of Section 37-7-211 shall not
611 apply to such districts.

612 (3) Notwithstanding the provisions of this section, in order
613 to provide for an orderly transition in the membership of the
614 boards of trustees of municipal separate school districts from
615 those members appointed or elected under the laws in effect before
616 the effective date of House Bill No. _____, 2003 Regular Session, to
617 members elected under the provisions of House Bill No. _____, 2003
618 Regular Session, the election schedule prescribed in Section 1 of
619 House Bill No. _____, 2003 Regular Session shall be followed, and
620 the terms of office of the school board members appointed or
621 elected under this section shall expire according to that
622 prescribed schedule, at which time the respective member's duly
623 elected successor shall take office.

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

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

627 * * *

628 37-7-207. (1) Subject to the provisions of subsection (3)
629 of this section and Section 1 of House Bill No. _____, 2003 Regular
630 Session, all school districts reconstituted or created under the
631 provisions of Article 1 of this chapter, and which lie wholly
632 within one (1) county, but not including municipal separate and
633 countywide districts, shall be governed by a board of five (5)
634 trustees. The first board of trustees of such districts shall be
635 appointed by the county board of education, and the original
636 appointments shall be so made that one (1) trustee shall be
637 appointed to serve until the first Saturday of March following



638 such appointments, one (1) for one (1) year longer, one (1) for
639 two (2) years longer, one (1) for three (3) years longer, and one
640 (1) for four (4) years longer. After such original appointments,
641 the trustees of such school districts shall be elected by the
642 qualified electors of such school districts in the manner provided
643 for in Sections 37-7-223 through 37-7-229, with each trustee to be
644 elected for a term of five (5) years. The five (5) members of the
645 board of trustees of such consolidated school district shall be
646 elected from special trustee election districts by the qualified
647 electors thereof, as herein provided. The board of trustees of
648 any such consolidated school district shall apportion the
649 consolidated school district into five (5) special trustee
650 election districts. The board of trustees of such school district
651 shall place upon its minutes the boundaries determined for the new
652 five (5) trustee election districts. The board of trustees shall
653 thereafter publish the same in a newspaper of general circulation
654 within said school district for at least three (3) consecutive
655 weeks; and after having given notice of publication and recording
656 the same upon the minutes of the board of trustees, said new
657 district lines shall thereafter be effective.

658 On the first Tuesday after the first Monday in November, in
659 any year in which any consolidated school district shall elect to
660 utilize the authority to create single member election districts,
661 an election shall be held in each such district in this state for
662 the purpose of electing the board of trustees of such district.
663 At said election the member of the said board from District One
664 shall be elected for a term of one (1) year, the member from
665 District Two shall be elected for a term of two (2) years, the
666 member from District Three shall be elected for a term of three
667 (3) years, the member from District Four shall be elected for a
668 term of four (4) years, and the member from District Five shall be
669 elected for a term of five (5) years. Thereafter, members shall
670 be elected at general elections as vacancies occur for terms of



671 five (5) years each. Trustees elected from single member election
672 districts as provided above shall otherwise be elected as provided
673 for in Sections 37-7-223 through 37-7-229. All members of the
674 said board of trustees shall take office on the first Monday of
675 January following the date of their election. All vacancies which
676 may occur during a term shall be filled by appointment of the
677 consolidated school district trustees, but the person so appointed
678 shall serve only until the next general election following such
679 appointment, at which time a person shall be elected for the
680 remainder of the unexpired term at the same time and in the same
681 manner as a trustee is elected for the full term then expiring.
682 The person so elected to the unexpired term shall take office
683 immediately. Said appointee shall be selected from the qualified
684 electors of the district in which the vacancy occurs.

685 (2) Subject to the provisions of subsection (3) of this
686 section and Section 1 of House Bill No. _____, 2003 Regular
687 Session, all school districts reconstituted and created under the
688 provisions of Article 1 of this chapter, which embrace territory
689 in two (2) or more counties, but not including municipal separate
690 school districts, shall be governed by a board of five (5)
691 trustees. In making the original appointments, the several county
692 boards of education shall appoint the trustee or trustees to which
693 the territory in such county is entitled, and, by agreement
694 between the county boards concerned, one (1) person shall be
695 appointed to serve until the first Saturday of March following,
696 one (1) for one (1) year longer, one (1) for two (2) years longer,
697 one (1) for three (3) years longer and one (1) for four (4) years
698 longer. Thereafter, such trustees shall be elected as is provided
699 for in Sections 37-7-223 through 37-7-229, for a term of five (5)
700 years. The five (5) members of the board of trustees of such line
701 consolidated school district shall be elected from special trustee
702 election districts by the qualified electors thereof, as herein
703 provided. The existing board of trustees of such line



704 consolidated school district shall apportion the line consolidated
705 school district into five (5) special trustee election districts.
706 The board of trustees shall place upon its minutes the boundaries
707 determined for the new five (5) trustee election districts. The
708 board of trustees shall thereafter publish the same in a newspaper
709 of general circulation within said school district for at least
710 three (3) consecutive weeks; and after having given notice of
711 publication and recording the same upon the minutes of the board
712 of trustees, said new district lines shall thereafter be
713 effective. Provided, however, that in any line consolidated
714 school district encompassing two (2) or more counties created
715 pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section
716 8, in which, as a condition precedent to the creation of said
717 district, each county belonging thereto was contractually
718 guaranteed to always have at least one (1) representative on said
719 board, in order that said condition precedent may be honored and
720 guaranteed, in any year in which the board of trustees of such
721 line consolidated school district does not have at least one (1)
722 member from each county or part thereof forming such district, the
723 board of trustees in such district shall be governed by a board of
724 a sufficient number of trustees to fulfill this guarantee, five
725 (5) of whom shall be elected from the five (5) special trustee
726 election districts which shall be as nearly equal as possible and
727 one (1) member trustee appointed at large from each county not
728 having representation on the elected board. In such cases, the
729 board of supervisors of each county shall make written agreement
730 to guarantee the manner of appointment of at least one (1)
731 representative from each county in the district, placing such
732 written agreement on the minutes of each board of supervisors in
733 each county.

734 On the first Tuesday after the first Monday in November, in
735 any year in which any line consolidated school district shall
736 elect to utilize the authority to create single member election



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

764 (3) Notwithstanding the provisions of this section, in order
765 to provide for an orderly transition in the membership of the
766 boards of trustees of consolidated school districts from those
767 members elected under the laws in effect before the effective date
768 of House Bill No. _____, 2003 Regular Session, to members elected
769 under the provisions of House Bill No. _____, 2003 Regular Session,



770 the election schedule prescribed in Section 1 of House Bill No.
771 , 2003 Regular Session, shall be followed, and the terms of
772 office of the school board members elected under this section
773 shall expire according to that prescribed schedule, at which time
774 the respective member's duly elected successor shall take office.

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

776 * * *

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

779 37-7-707. In all such special municipal separate school
780 districts which may be so organized, reorganized or reconstituted
781 to embrace the entire county in which the majority of the
782 inhabitants of the county reside outside the corporate limits of
783 the municipality, the board of trustees of such district shall be
784 composed of five (5) members, one (1) of whom shall be a resident
785 qualified elector of each supervisors district of the county.
786 Said trustees shall be elected from the county at large by the
787 qualified electors of the county at the first regular general
788 election following the approval by the State Board of Education.
789 Such trustees shall take office on the first Monday of January
790 following their election.

791 At such election the members of the said board from
792 supervisors districts one and five shall be elected for a term of
793 six (6) years, the members from districts three and four shall be
794 elected for a term of four (4) years, and the members from
795 district two shall be elected for a term of two (2) years.
796 Thereafter members shall be elected at regular general elections
797 as vacancies occur for terms of six (6) years each and shall take
798 office on the first Monday of January after their election.

799 Notwithstanding the provisions of this section, in order to
800 provide for an orderly transition in the membership of the boards
801 of trustees of special municipal separate school districts
802 embracing an entire county, in which a majority of the inhabitants



803 of the county reside outside the corporate limits of the
804 municipality, from those members elected under the laws in effect
805 before the effective date of House Bill No. _____, 2003 Regular
806 Session, to members elected under the provisions of House Bill No.
807 _____, 2003 Regular Session, the election schedule prescribed in
808 Section 1 of House Bill No. _____, 2003 Regular Session, shall be
809 followed, and the terms of office of the school board members
810 elected under this section shall expire according to that
811 prescribed schedule, at which time the respective member's duly
812 elected successor shall take office.

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

814 **SECTION 6.** Sections 37-5-1, 37-5-3, 37-5-9, 37-5-18 and
815 37-5-19, Mississippi Code of 1972, which establish the county
816 board of education and provide for the qualifications and election
817 of board members and filling of vacancies on the board, are
818 repealed.

819 **SECTION 7.** Section 37-7-201, Mississippi Code of 1972, which
820 establishes the qualifications for the office of school board
821 member, is repealed.

822 **SECTION 8.** Section 37-7-204, Mississippi Code of 1972,
823 which provides for the appointment of interim board members to
824 fill certain vacancies on the school boards of countywide
825 municipal separate school districts, is repealed.

826 **SECTION 9.** Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,
827 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
828 certain methods for electing trustees from added territory of
829 municipal separate school districts, are repealed.

830 **SECTION 10.** Sections 37-7-221, 37-7-223, 37-7-225, 37-7-227
831 and 37-7-229, Mississippi Code of 1972, which provide a procedure
832 for the election of consolidated or consolidated line school
833 district trustees, are repealed.

834 **SECTION 11.** Section 37-7-703, Mississippi Code of 1972,
835 which provides the procedure for selecting trustees in special



836 municipal separate school districts that embrace the entire
837 county, shall be repealed on January 1, 2008.

838 **SECTION 12.** Section 37-7-705, Mississippi Code of 1972,
839 which provides the procedure for selecting trustees in special
840 municipal separate school districts that embrace the entire county
841 and in which a majority of the inhabitants of the county reside
842 outside the corporate limits of the municipality, is repealed.

843 **SECTION 13.** Sections 37-7-709, 37-7-711, 37-7-713, 37-7-715
844 and 37-7-717, Mississippi Code of 1972, which provide various
845 methods for selecting trustees of special municipal separate
846 school districts and filling vacancies on such school boards, are
847 repealed.

848 **SECTION 14.** Section 37-7-723, Mississippi Code of 1972,
849 which provides that in special municipal separate school districts
850 embracing an entire county, the school board of the special
851 municipal separate school district supersedes the county board of
852 education, is repealed.

853 **SECTION 15.** The Attorney General of the State of Mississippi
854 shall submit this act, immediately upon approval by the Governor,
855 or upon approval by the Legislature subsequent to a veto, to the
856 Attorney General of the United States or to the United States
857 District Court for the District of Columbia in accordance with the
858 provisions of the Voting Rights Act of 1965, as amended and
859 extended.

860 **SECTION 16.** This act shall take effect and be in force from
861 and after the date it is effectuated under Section 5 of the Voting
862 Rights Act of 1965, as amended and extended.

