HOUSE BILL NO. 1262

AN ACT TO ESTABLISH A UNIFORM METHOD FOR ELECTING ALL SCHOOL BOARD MEMBERS IN ALL SCHOOL DISTRICTS; TO PROVIDE FOR THE ELECTION OF THE MEMBERS OF SCHOOL BOARDS FROM SCHOOL BOARD MEMBER DISTRICTS BY THE QUALIFIED ELECTORS OF SUCH DISTRICTS, TO DIRECT THE APPORTIONMENT OF THE SCHOOL DISTRICTS INTO FIVE SCHOOL BOARD MEMBER DISTRICTS, TO ESTABLISH AN ELECTION SCHEDULE IN ORDER TO PROVIDE FOR AN ORDERLY TRANSITION IN THE MEMBERSHIP OF SCHOOL BOARDS FROM THE MEMBERS CURRENTLY SERVING TO THE NEWLY CONSTITUTED SCHOOL BOARDS, TO PROVIDE FOR THE ELECTION OF ALL SCHOOL BOARD MEMBERS IN THE NOVEMBER GENERAL ELECTION, AND TO PRESCRIBE THE MANNER IN WHICH VACANCIES ON THE SCHOOL BOARDS SHALL BE FILLED; TO AMEND SECTIONS 37-5-7, 37-7-203, 37-7-207 AND 37-7-707, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTIONS 37-5-1, 37-5-3, 37-5-9, 37-5-18 AND 37-5-19, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE COUNTY BOARD OF EDUCATION AND PROVIDE FOR THE QUALIFICATIONS AND ELECTION OF BOARD MEMBERS AND FILLING OF VACANCIES ON THE BOARD; TO REPEAL SECTION 37-7-201, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE QUALIFICATIONS FOR THE OFFICE OF SCHOOL BOARD MEMBER; TO REPEAL SECTION 37-7-204, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE APPOINTMENT OF INTERIM BOARD MEMBERS TO FILL CERTAIN VACANCIES ON THE SCHOOL BOARDS OF COUNTYWIDE MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO REPEAL SECTIONS 37-7-205 THROUGH 37-7-219, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS FOR ELECTING TRUSTEES FROM ADDITIONAL TERRITORY OF MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO REPEAL SECTIONS 37-7-221 THROUGH 37-7-229, MISSISSIPPI CODE OF 1972, WHICH PROVIDE A PROCEDURE FOR THE ELECTION OF CONSOLIDATED OR CONSOLIDATED LINE SCHOOL DISTRICT TRUSTEES; TO REPEAL SECTION 37-7-703, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE PROCEDURE FOR SELECTING TRUSTEES IN SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS THAT EMBRACE THE ENTIRE COUNTY, EFFECTIVE JANUARY 1, 2008; TO REPEAL SECTION 37-7-705, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE PROCEDURE FOR SELECTING TRUSTEES IN SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS THAT EMBRACE THE ENTIRE COUNTY AND IN WHICH A MAJORITY OF THE INHABITANTS OF THE COUNTY RESIDE OUTSIDE THE CORPORATE LIMITS OF THE MUNICIPALITY; TO REPEAL SECTIONS 37-7-709 THROUGH 37-7-717, MISSISSIPPI CODE OF 1972, WHICH PROVIDE VARIOUS METHODS FOR SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS AND FILLING VACANCIES ON SUCH SCHOOL BOARDS; TO REPEAL SECTION 37-7-723, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT IN SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS EMBRACING AN ENTIRE COUNTY, THE SCHOOL BOARD OF THE SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICT SUPERSEDES THE COUNTY BOARD OF EDUCATION; AND FOR RELATED PURPOSES.

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

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

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

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

(3) In order to provide for an orderly transition in the membership of each school board from those members elected or appointed to the school board under the laws in effect before the effective date of House Bill No. ____, 2003 Regular Session, to
members elected under the provisions of House Bill No. ____, 2003 Regular Session, the following election schedule is established for all school districts:

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

(b) On the first Tuesday after the first Monday in November 2004, an election shall be held for the purpose of electing a member of the school board to succeed the member whose term of office expires in 2004. The term of office of this member which is scheduled to expire in 2004 shall be extended until the first Monday of January 2005, at which time the member's duly elected successor shall take office. The member elected in November 2004 must be a resident of the school board member district in which the member whose term expires in January 2005 resides; however, if the member whose term expires in January 2005 is a resident of a school board member district from which a member already has been elected under this section, then the member elected under this paragraph must be a resident of the lowest numbered school board member district that has not been filled yet pursuant to this section. The initial term of office of this elected member of the school board shall expire on the first Monday of January 2008.
(c) On the first Tuesday after the first Monday in November 2005, an election shall be held for the purpose of electing a member of the school board to succeed the member whose term of office expires in 2005. The term of office of this member which is scheduled to expire in 2005 shall be extended until the first Monday of January 2006, at which time the member's duly elected successor shall take office. The member elected in November 2005 must be a resident of the school board member district in which the member whose term expires in January 2006 resides; however, if the member whose term expires in January 2006 is a resident of a school board member district from which a member already has been elected under this section, then the member elected under this paragraph must be a resident of the lowest numbered school board member district that has not been filled yet pursuant to this section. The initial term of office of this elected member of the school board shall expire on the first Monday of January 2008.

(d) On the first Tuesday after the first Monday in November 2006, an election shall be held for the purpose of electing a member of the school board to succeed the member whose term of office expires in 2006. The term of office of this member which is scheduled to expire in 2006 shall be extended until the first Monday of January 2007, at which time the member's duly elected successor shall take office. The member elected in November 2006 must be a resident of the school board member district in which the member whose term expires in January 2007 resides; however, if the member whose term expires in January 2007 is a resident of a school board member district from which a member already has been elected under this section, then the member elected under this paragraph must be a resident of the lowest numbered school board member district that has not been filled yet pursuant to this section. The initial term of office
(e) On the first Tuesday after the first Monday in November 2007, an election shall be held for the purpose of electing a member of the school board to succeed the member whose term of office expires in 2007. The term of office of this member which is scheduled to expire in 2007 shall be extended until the first Monday of January 2008, at which time the member’s duly elected successor shall take office. The member elected in November 2007 must be a resident of the school board member district that has not been filled yet pursuant to this section. The initial term of office of this elected member of the school board shall expire on the first Monday of January 2012.

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

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

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

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

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

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

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

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

Candidates for the vacated office shall file with the
municipal governing authorities or the board of supervisors, as
the case may be, not less than ten (10) days before the date of
the election, a petition of nomination signed by at least fifty
(50) or twenty percent (20%) of the qualified electors of the
school board member district, whichever is less. The election
shall be held, as far as practicable, in the same manner as school
board elections are conducted under this section. The candidate
who receives a majority of the votes cast by the qualified
electors in the school board member district shall be elected.
However, if no candidate receives a majority of the votes, a
runoff election shall be held two (2) weeks after the election.
The names of the candidate receiving the highest number of votes
and the candidate, or candidates in the event of a tie, receiving
the next highest vote for the office shall be placed on the ballot
in the runoff election. The person receiving the highest number
of votes cast by the qualified electors in the runoff election
shall be elected. The clerk of the election commission shall give
a certificate of election to the person elected and shall return
to the Secretary of State a copy of the order of holding the
election and its results, certified by the clerk. The Governor
shall commission the person elected to serve the remainder of the
unexpired term.

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

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

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

(2) The governing authorities of a municipality having a
municipal separate school district or special municipal separate
school district shall apportion the school district, including any
added territory, into five (5) single school board member
districts. All other school districts shall be apportioned in the
same manner by the boards of supervisors. The school board member
districts must be as nearly equal as possible according to population. The municipal governing authorities and boards of supervisors shall submit the school board member district lines to the United States Department of Justice for preclearance or to the United States District Court for the District of Columbia for a declaratory judgment in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended. If the school board member district lines in a school district are precleared by the United States District Court, the municipal governing authorities or board of supervisors, as the case may be, and the school board of the school district shall place upon their minutes the boundaries established for the five (5) school board member districts, and the school board shall publish the boundaries in a newspaper of general circulation within the school district for at least three (3) consecutive weeks. After having given notice of publication and recording the publication upon the minutes of the school board, the school board member district lines shall be effective. As soon as practicable after the results of the 2010 federal decennial census and every federal decennial census thereafter are published, the municipal governing authorities and boards of supervisors shall reapportion the school board member districts in the manner prescribed in this subsection for the creation of the original districts.

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

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

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

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

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

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

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

Candidates for the vacated office shall file with the
municipal governing authorities or the board of supervisors, as
the case may be, not less than ten (10) days before the date of
the election, a petition of nomination signed by at least fifty
(50) or twenty percent (20%) of the qualified electors of the school board member district, whichever is less. The election shall be held, as far as practicable, in the same manner as school board elections are conducted under this section. The candidate who receives a majority of the votes cast by the qualified electors in the school board member district shall be elected. However, if no candidate receives a majority of the votes, a runoff election shall be held two (2) weeks after the election. The names of the candidate receiving the highest number of votes and the candidate, or candidates in the event of a tie, receiving the next highest vote for the office shall be placed on the ballot in the runoff election. The person receiving the highest number of votes cast by the qualified electors in the runoff election shall be elected. The clerk of the election commission shall give a certificate of election to the person elected and shall return to the Secretary of State a copy of the order of holding the election and its results, certified by the clerk. The Governor shall commission the person elected to serve the remainder of the unexpired term. However, if nine (9) days before the date of the election only one (1) person has qualified as a candidate, the municipal governing authorities or board of supervisors, as the case may be, shall dispense with the election, and the remaining members of the school board shall appoint that candidate to fill the unexpired term. If no person has qualified at least nine (9) days before the election, the election shall be dispensed with, and the remaining members of the school board shall appoint a person, selected from the qualified electors of the school board member district in which the vacancy exists, to fill the unexpired term. The chairman of the school board shall certify to the Secretary of State the fact of the appointment, and the Governor shall commission the person appointed.
SECTION 2. Section 37-5-7, Mississippi Code of 1972, is amended as follows:

37-5-7. (1) Subject to the provisions of subsection (3) of this section and Section 1 of House Bill No. , 2003 Regular Session, on the first Tuesday after the first Monday in May, 1954, an election shall be held in each county in this state in the same manner 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. At such election, the members of the said board from Supervisors Districts One and Two shall be elected for the term expiring on the first Monday of January, 1957; members of the board from Supervisors Districts Three and Four shall be elected for a term expiring on the first Monday of January, 1959; and the member of the board from Supervisors District Five shall be elected for a term expiring on the first Monday of January, 1955. Except as otherwise provided in subsection (2), all subsequent members of the board shall be elected for a term of six (6) years at the regular general election held on the first Monday in November next preceding the expiration of the term of office of the respective member or members of such board. All members of the county board of education as herein constituted, shall take office on the first Monday of January following the date of their election.

(2) Subject to the provisions of subsection (3) of this section and Section 1 of House Bill No. , 2003 Regular Session, on the first Tuesday after the first Monday in November, in any year in which any county shall elect to utilize the authority contained in Section 37-5-1(2), an election shall be held in each such county in this state for the purpose of electing the county boards of education in such counties. At said election the members of the said county board of education from Districts One and Two shall be elected for a term of four (4) years, the
members from Districts Three and Four shall be elected for a term of six (6) years, and the member from District Five shall be elected for a term of (2) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of six (6) years each. All members of the county board of education shall take office on the first Monday of January following the date of their election.

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

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

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

37-7-203. (1) Subject to the provisions of subsection (3) of this section and Section 1 of House Bill No. ____, 2003 Regular Session, the boards of trustees of all municipal separate school districts created under the provisions of Article 1 of this chapter, either with or without added territory, shall consist of five (5) members, each to be chosen for a term of five (5) years, but so chosen that the term of office of one (1) member shall expire each year. In the event the added territory of a municipal separate school district furnishes fifteen percent (15%) or more of the pupils enrolled in the schools of such district, then at least one (1) member of the board of trustees of such school district shall be a resident of the added territory outside the
corporate limits. In the event the added territory of a municipal separate school district furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then not more than two (2) members of the board of trustees of such school district shall be residents of the added territory outside the corporate limits. In the event the added territory of a municipal separate school district in a county in which Mississippi Highways 8 and 15 intersect furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then the five (5) members of the board of trustees of such school district shall be elected at large from such school district for a term of five (5) years each except that the two (2) elected trustees presently serving on such board shall continue to serve for their respective terms of office. The three (3) appointed trustees presently serving on such board shall continue to serve until their successors are elected in March of 1975 in the manner provided for in Section 37-7-215. At such election, one (1) trustee shall be elected for a term of two (2) years, one (1) for a term of three (3) years and one (1) for a term of five (5) years. Subsequent terms for each successor trustee shall be for five (5) years. In the event one (1) of two (2) municipal separate school districts located in any county with two (2) judicial districts, District 1 being comprised of Supervisors Districts 1, 2, 4 and 5, and District 2 being comprised of Supervisors District 3, with added territory embraces three (3) full supervisors districts of a county, one (1) trustee shall be elected from each of the three (3) supervisors districts outside the corporate limits of the municipality. In the further event that the territory of a municipal separate school district located in any county with two (2) judicial districts, District 1 being comprised of Supervisors Districts 1, 2, 4 and 5, and District 2 being comprised of Supervisors District 3, with added territory embraces four (4) full supervisors districts in the county, and in any county in
which a municipal separate school district embraces the entire county in which Highways 14 and 15 intersect, one (1) trustee shall be elected from each supervisors district.

Except as otherwise provided herein, the trustees of such a municipal separate school district shall be elected by a majority of the municipal governing authorities at the first meeting of the municipal governing authorities held in the month of February of each year, and the term of office of the member so elected shall commence on the first Saturday of March following.

In the case of a member of said board of trustees who is required to come from the added territory outside the corporate limits as is above provided, such member of the board of trustees shall be elected by the qualified electors of the school district residing in such added territory outside the corporate limits at the same time and in the same manner as is otherwise provided in this article for the election of trustees of school districts other than municipal separate school districts.

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

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

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

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

(2) Subject to the provisions of subsection (3) of this
section and Section 1 of House Bill No. , 2003 Regular
Session, in counties of less than fifteen thousand (15,000) people
having a municipal separate school district with added territory
which embraces all the territory of a county, one (1) or more
trustees of such district shall be nominated from each supervisors
district upon petition of fifty (50) qualified electors of said
district, or twenty percent (20%) of the qualified electors of
such district, whichever number shall be smaller, and shall be
elected by a plurality of the vote of the qualified electors of
said county. One (1) trustee so elected shall reside in each
supervisors district of the county. In such counties embraced
entirely by a municipal separate school district there shall be no
county board of education after the formation of such district and
the county superintendent of education shall act as superintendent
of schools of said district and shall be appointed by the board of
trustees of said district, and the provisions of subsection (1) of
this section and the first paragraph of Section 37-7-211 shall not
apply to such districts.

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

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

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

* * *

37-7-207. (1) Subject to the provisions of subsection (3)
of this section and Section 1 of House Bill No. ___, 2003 Regular
Session, all school districts reconstituted or created under the
provisions of Article 1 of this chapter, and which lie wholly
within one (1) county, but not including municipal separate and
countywide districts, shall be governed by a board of five (5)
trustees. The first board of trustees of such districts shall be
appointed by the county board of education, and the original
appointments shall be so made that one (1) trustee shall be
appointed to serve until the first Saturday of March following
such appointments, one (1) for one (1) year longer, one (1) for
two (2) years longer, one (1) for three (3) years longer, and one
(1) for four (4) years longer. After such original appointments,
the trustees of such school districts shall be elected by the
qualified electors of such school districts in the manner provided
for in Sections 37-7-223 through 37-7-229, with each trustee to be
elected for a term of five (5) years. The five (5) members of the
board of trustees of such consolidated school district shall be
elected from special trustee election districts by the qualified
electors thereof, as herein provided. The board of trustees of
any such consolidated school district shall apportion the
consolidated school district into five (5) special trustee
election districts. The board of trustees of such school district
shall place upon its minutes the boundaries determined for the new
five (5) trustee election districts. The board of trustees shall
thereafter publish the same in a newspaper of general circulation
within said school district for at least three (3) consecutive
weeks; and after having given notice of publication and recording
the same upon the minutes of the board of trustees, said new
district lines shall thereafter be effective.

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

(2) Subject to the provisions of subsection (3) of this
section and Section 1 of House Bill No. ____, 2003 Regular
Session, all school districts reconstituted and created under the
provisions of Article 1 of this chapter, which embrace territory
in two (2) or more counties, but not including municipal separate
school districts, shall be governed by a board of five (5)
trustees. In making the original appointments, the several county
boards of education shall appoint the trustee or trustees to which
the territory in such county is entitled, and, by agreement
between the county boards concerned, one (1) person shall be
appointed to serve until the first Saturday of March following,
one (1) for one (1) year longer, one (1) for two (2) years longer,
one (1) for three (3) years longer and one (1) for four (4) years
longer. Thereafter, such trustees shall be elected as is provided
for in Sections 37-7-223 through 37-7-229, for a term of five (5)
years. The five (5) members of the board of trustees of such line
consolidated school district shall be elected from special trustee
election districts by the qualified electors thereof, as herein
provided. The existing board of trustees of such line
consolidated school district shall apportion the line consolidated school district into five (5) special trustee election districts. The board of trustees shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The board of trustees shall thereafter publish the same in a newspaper of general circulation within said school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees, said new district lines shall thereafter be effective. 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 said district, each county belonging thereto was contractually guaranteed to always have at least one (1) representative on said board, in order that said 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, in any year in which any line consolidated school district shall elect to utilize the authority to create single member election
districts, an election shall be held in each such district in this state for the purpose of electing the board of trustees of such district. At said election the member of the said board from District One shall be elected for a term of one (1) year, the member from District Two shall be elected for a term of two (2) years, the member from District Three shall be elected for a term of three (3) years, the member from District Four shall be elected for a term of four (4) years, and the member from District Five shall be elected for a term of five (5) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of five (5) years each. Trustees elected from single member election districts as provided above shall otherwise be elected as provided for in Sections 37-7-223 through 37-7-229. All members of the said board of trustees shall take office on the first Monday of January following the date of their election. In all elections, the trustee elected shall be a resident and qualified elector of the district entitled to the representation upon the board, and he shall be elected only by the qualified electors of such district. All vacancies which may occur during a term of office shall be filled by appointment of the consolidated line school district trustees, but the person so appointed shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as the trustee is elected for the full term then expiring. The person so elected to the unexpired term shall take office immediately.

(3) Notwithstanding the provisions of this section, in order to provide for an orderly transition in the membership of the boards of trustees of consolidated school districts from those members elected under the laws in effect before the effective date of House Bill No. ____, 2003 Regular Session, to members elected under the provisions of House Bill No. ____, 2003 Regular Session,
the election schedule prescribed in Section 1 of House Bill No. 770, 2003 Regular Session, shall be followed, and the terms of office of the school board members elected under this section shall expire according to that prescribed schedule, at which time the respective member's duly elected successor shall take office.

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

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SECTION 5. 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.

Said 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.

Such trustees shall take office on the first Monday of January following their election.

At such election the members of the said board from supervisors districts one and five shall be elected for a term of six (6) years, the members from districts three and four shall be elected for a term of four (4) years, and the members from district two shall be elected for a term of two (2) years.

Thereafter members shall be elected at regular general elections as vacancies occur for terms of six (6) years each and shall take office on the first Monday of January after their election.

Notwithstanding the provisions of this section, in order to provide for an orderly transition in the membership of the boards of trustees of special municipal separate school districts embracing an entire county, in which a majority of the inhabitants...
of the county reside outside the corporate limits of the
municipality, from those members elected under the laws in effect
before the effective date of House Bill No. ___, 2003 Regular
Session, to members elected under the provisions of House Bill No.
___, 2003 Regular Session, the election schedule prescribed in
Section 1 of House Bill No. ___, 2003 Regular Session, shall be
followed, and the terms of office of the school board members
elected under this section shall expire according to that
prescribed schedule, at which time the respective member's duly
elected successor shall take office.

This section shall be repealed on January 1, 2008.

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

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

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

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

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

SECTION 11. Section 37-7-703, Mississippi Code of 1972,
which provides the procedure for selecting trustees in special
municipal separate school districts that embrace the entire county, shall be repealed on January 1, 2008.

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

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

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

SECTION 15. 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 16. 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.