

By: Senator(s) Carlton (By Request)

To: Elections

SENATE BILL NO. 2842

1 AN ACT TO PROVIDE THAT THE QUALIFIED ELECTORS OF EACH
2 COUNTYWIDE SCHOOL DISTRICT SHALL DECIDE AT THE NOVEMBER 2003
3 GENERAL ELECTION WHETHER TO CONTINUE TO HAVE THE MEMBERS OF THE
4 COUNTY BOARD OF EDUCATION ELECTED TO SIX-YEAR STAGGERED TERMS OF
5 OFFICE, OR TO HAVE THE MEMBERS OF THE COUNTY BOARD OF EDUCATION
6 ELECTED TO FOUR-YEAR TERMS CONCURRENT WITH OTHER COUNTY OFFICIALS;
7 TO AMEND SECTION 37-5-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY
8 THERETO; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** The qualified electors of each countywide school
11 district in the state shall decide at the November 2003 general
12 election whether (a) to continue to have the members of the county
13 board of education of such county elected to six-year staggered
14 terms of office, or (b) to have the members of the county board of
15 education of such county elected to four-year terms of office
16 concurrent with other county officials, commencing with the 2007
17 general election. The question put before the voters at such
18 general election shall read on the ballot as follows:

19 "PLEASE VOTE FOR PROPOSITION 'A' OR PROPOSITION 'B':

20 PROPOSITION A

21 THE MEMBERS OF THE COUNTY BOARD OF EDUCATION OF (herein shall
22 be inserted the name of the county) SHALL CONTINUE TO BE ELECTED
23 TO SIX-YEAR STAGGERED TERMS OF OFFICE

24 FOR PROPOSITION A _____

25 PROPOSITION B

26 BEGINNING WITH THE 2007 GENERAL ELECTION, THE MEMBERS OF THE
27 COUNTY BOARD OF EDUCATION OF (herein shall be inserted the name of
28 the county) SHALL BE ELECTED TO FOUR-YEAR TERMS OF OFFICE
29 CONCURRENT WITH OTHER COUNTY OFFICIALS.

30 FOR PROPOSITION B _____ "



31 The qualified electors may indicate their preference on the
32 line following the proposition that they prefer. The county board
33 of supervisors of such county shall publish notice of said
34 election once a week for at least three (3) consecutive weeks
35 prior to the November 2003 general election in at least one (1)
36 newspaper published or circulated in such county. The proposition
37 shall be submitted to a vote of all qualified electors residing
38 outside the territory of any municipal separate, special municipal
39 separate, consolidated or line consolidated school district
40 located within such county, and this referendum shall not be held
41 in any county with a municipal separate school district embracing
42 the entire county. Such election shall be held in the same manner
43 as other elections are held in the county. The Secretary of State
44 shall determine whether, in each county, it would be more
45 efficient to administer the election by paper ballots, voting
46 machines, electronic voting systems, optical mark reading
47 equipment or other mechanized equipment. The costs associated
48 with the holding of the referendum shall be borne by each
49 individual county. If a majority of the qualified electors who
50 voted in such election vote in favor of Proposition A, as
51 tabulated by the election commissioners of such county, the terms
52 of office of the county board of education shall not be changed.
53 If a majority of the qualified electors who voted in such election
54 vote in favor of Proposition B, as tabulated by the election
55 commissioners of such county, the terms of office of the county
56 board of education shall be four (4) years effective with the 2007
57 general election as provided in Section 37-5-7.

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

60 **(The following version of Section 37-5-7 shall be applicable in**
61 **any county in which a majority of the qualified electors voting in**
62 **the 2003 referendum on the length of the terms of members of the**
63 **county board of education vote in favor of Proposition B:)**



64 37-5-7. * * *

65 * * * On the first Tuesday after the first Monday in the
66 November 2007 general election, and every four (4) years
67 thereafter, an election shall be held in each such county in this
68 state for the purpose of electing the county boards of education
69 in such counties. At said election the members of the said county
70 board of education * * * shall be elected for a term of four (4)
71 years * * *. All members of the county board of education shall
72 take office on the first Monday of January following the date of
73 their election.

74 (The following version of Section 37-5-7 shall continue to be
75 applicable in any county in which a majority of the qualified
76 electors voting in the 2003 referendum on the length of the terms
77 of members of the county board of education vote in favor of
78 Proposition A:)

79 37-5-7. (1) On the first Tuesday after the first Monday in
80 May, 1954, an election shall be held in each county in this state
81 in the same manner as general state and county elections are held
82 and conducted, which election shall be held for the purpose of
83 electing the county boards of education established under the
84 provisions of this chapter. At such election, the members of the
85 said board from Supervisors Districts One and Two shall be elected
86 for the term expiring on the first Monday of January, 1957;
87 members of the board from Supervisors Districts Three and Four
88 shall be elected for a term expiring on the first Monday of
89 January, 1959; and the member of the board from Supervisors
90 District Five shall be elected for a term expiring on the first
91 Monday of January, 1955. Except as otherwise provided in
92 subsection (2), all subsequent members of the board shall be
93 elected for a term of six (6) years at the regular general
94 election held on the first Monday in November next preceding the
95 expiration of the term of office of the respective member or
96 members of such board. All members of the county board of



97 education as herein constituted, shall take office on the first
98 Monday of January following the date of their election.

99 (2) On the first Tuesday after the first Monday in November,
100 in any year in which any county shall elect to utilize the
101 authority contained in Section 37-5-1(2), an election shall be
102 held in each such county in this state for the purpose of electing
103 the county boards of education in such counties. At said election
104 the members of the said county board of education from Districts
105 One and Two shall be elected for a term of four (4) years, the
106 members from Districts Three and Four shall be elected for a term
107 of six (6) years, and the member from District Five shall be
108 elected for a term of (2) years. Thereafter, members shall be
109 elected at general elections as vacancies occur for terms of six
110 (6) years each. All members of the county board of education
111 shall take office on the first Monday of January following the
112 date of their election.

113 **SECTION 3.** The Attorney General of the State of Mississippi
114 shall submit this act, immediately upon approval by the Governor,
115 or upon approval by the Legislature subsequent to a veto, to the
116 Attorney General of the United States or to the United States
117 District Court for the District of Columbia in accordance with the
118 provisions of the Voting Rights Act of 1965, as amended and
119 extended.

120 **SECTION 4.** This act shall take effect and be in force from
121 and after the date it is effectuated under Section 5 of the Voting
122 Rights Act of 1965, as amended and extended.

