MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003

By: Senator(s) Carlton (By Request)
To: Elections

SENATE BILL NO. 2842

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

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

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

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

PROPOSITION A
THE MEMBERS OF THE COUNTY BOARD OF EDUCATION OF (herein shall be inserted the name of the county) SHALL CONTINUE TO BE ELECTED TO SIX-YEAR STAGGERED TERMS OF OFFICE
FOR PROPOSITION A_____

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

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

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

(The following version of Section 37-5-7 shall be applicable in any county in which a majority of the qualified electors voting in the 2003 referendum on the length of the terms of members of the county board of education vote in favor of Proposition B:)
On the first Tuesday after the first Monday in the November 2007 general election, and every four (4) years thereafter, 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 shall be elected for a term of four (4) years. All members of the county board of education shall take office on the first Monday of January following the date of their election.

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

37-5-7. (1) 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) 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.

SECTION 3. 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 4. 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.