

By: Representative Markham

To: Education; Apportionment
and Elections

HOUSE BILL NO. 1125

1 AN ACT TO PROVIDE THAT THE QUALIFIED ELECTORS OF EACH
2 COUNTYWIDE SCHOOL DISTRICT SHALL DECIDE AT THE NOVEMBER 2004
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 2004 general
12 election whether (a) to continue to have the members of the county
13 board of education of the county elected to six-year staggered
14 terms of office, or (b) to have the members of the county board of
15 education of the 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 the county shall publish notice of the election
34 once a week for at least three (3) consecutive weeks before the
35 November 2004 general election in at least one (1) newspaper
36 published or circulated in the county. The proposition shall be
37 submitted to a vote of all qualified electors residing outside the
38 territory of any municipal separate, special municipal separate,
39 consolidated or line consolidated school district located within
40 the county, and this referendum shall not be held in any county
41 with a municipal separate school district embracing the entire
42 county. The election shall be held in the same manner as other
43 elections are held and conducted in the county. The Secretary of
44 State 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 the election vote in favor of Proposition A, as tabulated
51 by the election commissioners of the county, the terms of office
52 of the county board of education shall not be changed. If a
53 majority of the qualified electors who voted in the election vote
54 in favor of Proposition B, as tabulated by the election
55 commissioners of the county, the terms of office of the county
56 board of education shall be four (4) years effective with the
57 November 2007 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 **[Until January 1, 2005, this section shall read as follows:]**

61 37-5-7. (1) On the first Tuesday after the first Monday in
62 May 1954, an election shall be held in each county in this state
63 in the same manner as general state and county elections are held

64 and conducted, which election shall be held for the purpose of
65 electing the county boards of education established under the
66 provisions of this chapter. At the election, the members of
67 the * * * board from Supervisors Districts One and Two shall be
68 elected for the term expiring on the first Monday of January 1957;
69 members of the board from Supervisors Districts Three and Four
70 shall be elected for a term expiring on the first Monday of
71 January 1959; and the member of the board from Supervisors
72 District Five shall be elected for a term expiring on the first
73 Monday of January 1955. Except as otherwise provided in
74 subsection (2), all subsequent members of the board shall be
75 elected for a term of six (6) years at the regular general
76 election held on the first Monday in November next preceding the
77 expiration of the term of office of the respective member or
78 members of the board. All members of the county board of
79 education as herein constituted, shall take office on the first
80 Monday of January following the date of their election.

81 (2) On the first Tuesday after the first Monday in November,
82 in any year in which any county shall elect to utilize the
83 authority contained in Section 37-5-1(2), an election shall be
84 held in each such county in this state for the purpose of electing
85 the county boards of education in those counties. At the election
86 the members of the * * * county board of education from Districts
87 One and Two shall be elected for a term of four (4) years, the
88 members from Districts Three and Four shall be elected for a term
89 of six (6) years, and the member from District Five shall be
90 elected for a term of (2) years. Thereafter, members shall be
91 elected at general elections as vacancies occur for terms of six
92 (6) years each. All members of the county board of education
93 shall take office on the first Monday of January following the
94 date of their election.

95 **[The following version of Section 37-5-7 shall be applicable**
96 **from and after January 1, 2005, in any county in which a majority**

97 **of the qualified electors voting in the November 2004 referendum**
98 **on the length of terms of members of the county boards of**
99 **education vote in favor of Proposition A:]**

100 37-5-7. (1) On the first Tuesday after the first Monday in
101 May 1954, an election shall be held in each county in this state
102 in the same manner as general state and county elections are held
103 and conducted, which election shall be held for the purpose of
104 electing the county boards of education established under the
105 provisions of this chapter. At the election, the members of
106 the * * * board from Supervisors Districts One and Two shall be
107 elected for the term expiring on the first Monday of January 1957;
108 members of the board from Supervisors Districts Three and Four
109 shall be elected for a term expiring on the first Monday of
110 January 1959; and the member of the board from Supervisors
111 District Five shall be elected for a term expiring on the first
112 Monday of January 1955. Except as otherwise provided in
113 subsection (2), all subsequent members of the board shall be
114 elected for a term of six (6) years at the regular general
115 election held on the first Monday in November next preceding the
116 expiration of the term of office of the respective member or
117 members of the board. All members of the county board of
118 education as herein constituted, shall take office on the first
119 Monday of January following the date of their election.

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121 in any year in which any county shall elect to utilize the
122 authority contained in Section 37-5-1(2), an election shall be
123 held in each such county in this state for the purpose of electing
124 the county boards of education in those counties. At the election
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126 One and Two shall be elected for a term of four (4) years, the
127 members from Districts Three and Four shall be elected for a term
128 of six (6) years, and the member from District Five shall be
129 elected for a term of (2) years. Thereafter, members shall be

130 elected at general elections as vacancies occur for terms of six
131 (6) years each. All members of the county board of education
132 shall take office on the first Monday of January following the
133 date of their election.

134 **[The following version of Section 37-5-7 shall be applicable**
135 **from and after January 1, 2005, in any county in which a majority**
136 **of the qualified electors voting in the November 2004 referendum**
137 **on the length of terms of members of the county boards of**
138 **education vote in favor of Proposition B:]**

139 37-5-7. * * *

140 * * * On the first Tuesday after the first Monday in the
141 November 2007 general election, and every four (4) years
142 thereafter, an election shall be held in each such county in this
143 state for the purpose of electing the county boards of
144 education * * *. At the election the members of the * * * county
145 board of education * * * shall be elected for a term of four (4)
146 years * * *. All members of the county board of education shall
147 take office on the first Monday of January following the date of
148 their election.

149 **SECTION 3.** The Attorney General of the State of Mississippi
150 shall submit this act, immediately upon approval by the Governor,
151 or upon approval by the Legislature subsequent to a veto, to the
152 Attorney General of the United States or to the United States
153 District Court for the District of Columbia in accordance with the
154 provisions of the Voting Rights Act of 1965, as amended and
155 extended.

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