

By: Representative Frierson

To: Education; Apportionment
and Elections

HOUSE BILL NO. 897

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 THOSE 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 2007 GENERAL ELECTION, AND TO PRESCRIBE
11 THE MANNER IN WHICH VACANCIES ON THE SCHOOL BOARDS SHALL BE
12 FILLED; TO 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 shall read
47 **as follows:]**

48 (1) The school board of each school district in the State of
49 Mississippi shall consist of five (5) members. Beginning in 2005,
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. 897, 2005 Regular Session, to

81 members elected under the provisions of House Bill No. 897, 2005
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 2005, 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 2005. The term of office
88 of this member which is scheduled to expire in 2005 shall be
89 extended until the first Monday of January 2006, at which time the
90 member's duly elected successor shall take office. The member
91 elected in November 2005 must be a resident of the school board
92 member district in which the member whose term expires in January
93 2006 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 2006, 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 2006. The term of office of this member
100 which is scheduled to expire in 2006 shall be extended until the
101 first Monday of January 2007, at which time the member's duly
102 elected successor shall take office. The member elected in
103 November 2006 must be a resident of the school board member
104 district in which the member whose term expires in January 2007
105 resides; however, if the member whose term expires in January 2007
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 yet been
110 filled under this section. The initial term of office of this
111 elected member of the school board shall expire on the first
112 Monday of January 2008.

113 (c) The term of office of any school board member which
114 is scheduled to expire in 2007 shall be extended until the first
115 Monday of January 2008, at which time the member's duly elected
116 successor shall take office. The term of each member of the
117 school board serving on the date that House Bill No. 897, 2005
118 Regular Session, becomes effective that otherwise would expire
119 after the first Monday in January 2008, shall expire on the first
120 Monday of January 2008.

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

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

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

132 (5) Candidates for the school board shall file with the
133 county election commissioners, not more than ninety (90) days nor
134 less than sixty (60) days before the date of the election, a
135 petition of nomination signed by at least fifty (50) or twenty
136 percent (20%) of the qualified electors of the school board member
137 district, whichever is less. The name of each qualified candidate
138 shall be placed on the ballot. The candidate in each school board
139 member district who receives a majority of the votes cast by the
140 qualified electors in that district shall be elected. However, if
141 no candidate receives a majority of the votes, a runoff election
142 shall be held two (2) weeks after the election. The names of the
143 candidate receiving the highest number of votes and the candidate,
144 or candidates in the event of a tie, receiving the next highest
145 vote for the office shall be placed on the ballot in the runoff

146 election. The person receiving the highest number of votes cast
147 by the qualified electors in the runoff election shall be elected.
148 All persons elected to serve on the school board shall take office
149 on the first Monday of January next following the date of their
150 election.

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

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

164 (b) If the unexpired term of the vacated office is
165 greater than six (6) months, an election shall be held to fill the
166 vacancy. The school board shall certify in writing the fact of
167 the vacancy to the municipal governing authorities, if the school
168 district is a municipal separate school district or a special
169 municipal separate school district, or to the board of supervisors
170 in the case of all other school districts. At the next regular
171 meeting of the municipal governing authorities or board of
172 supervisors, as the case may be, after its receipt of
173 certification of the vacancy from the school board, the municipal
174 governing authorities or board of supervisors shall make and enter
175 on its minutes an order for an election to be held in the school
176 board member district in which the vacancy exists and shall fix
177 the date upon which the election shall be held, which date shall

178 not be less than thirty (30) days nor more than forty-five (45)
179 days after the date upon which the order is adopted.

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

191 Candidates for the vacated office shall file with the
192 municipal governing authorities or the board of supervisors, as
193 the case may be, not less than ten (10) days before the date of
194 the election, a petition of nomination signed by at least fifty
195 (50) or twenty percent (20%) of the qualified electors of the
196 school board member district, whichever is less. The election
197 shall be held, as far as practicable, in the same manner as school
198 board elections are conducted under this section. The candidate
199 who receives a majority of the votes cast by the qualified
200 electors in the school board member district shall be elected.
201 However, if no candidate receives a majority of the votes, a
202 runoff election shall be held two (2) weeks after the election.
203 The names of the candidate receiving the highest number of votes
204 and the candidate, or candidates in the event of a tie, receiving
205 the next highest vote for the office shall be placed on the ballot
206 in the runoff election. The person receiving the highest number
207 of votes cast by the qualified electors in the runoff election
208 shall be elected. The clerk of the election commission shall give
209 a certificate of election to the person elected and shall return
210 to the Secretary of State a copy of the order of holding the

211 election and its results, certified by the clerk. The Governor
212 shall commission the person elected to serve the remainder of the
213 unexpired term.

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

227 **[Beginning on January 1, 2008, this section shall read as**
228 **follows:]**

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

233 (2) The governing authorities of a municipality having a
234 municipal separate school district or special municipal separate
235 school district shall apportion the school district, including any
236 added territory, into five (5) single school board member
237 districts. All other school districts shall be apportioned in the
238 same manner by the boards of supervisors. The school board member
239 districts must be as nearly equal as possible according to
240 population. The municipal governing authorities and boards of
241 supervisors shall submit the school board member district lines to
242 the United States Department of Justice for preclearance or to the
243 United States District Court for the District of Columbia for a

244 declaratory judgment in accordance with the provisions of the
245 Voting Rights Act of 1965, as amended and extended. If the school
246 board member district lines in a school district are precleared by
247 the United States Department of Justice or approved by the United
248 States District Court, the municipal governing authorities or
249 board of supervisors, as the case may be, and the school board of
250 the school district shall place upon their minutes the boundaries
251 established for the five (5) school board member districts, and
252 the school board shall publish the boundaries in a newspaper of
253 general circulation within the school district for at least three
254 (3) consecutive weeks. After having given notice of publication
255 and recording the publication upon the minutes of the school
256 board, the school board member district lines shall be effective.
257 As soon as practicable after the results of the 2010 federal
258 decennial census and every federal decennial census thereafter are
259 published, the municipal governing authorities and boards of
260 supervisors shall reapportion the school board member districts in
261 the manner prescribed in this subsection for the creation of the
262 original districts.

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

268 (4) On the first Tuesday after the first Monday in November
269 2007 and every four (4) years thereafter, the election of members
270 of all school boards in the State of Mississippi shall be held in
271 the same manner and at the same time as the general elections are
272 held and conducted.

273 (5) Candidates for the school board shall file with the
274 county election commissioners, not more than ninety (90) days nor
275 less than sixty (60) days before the date of the election, a
276 petition of nomination signed by at least fifty (50) or twenty

277 percent (20%) of the qualified electors of the school board member
278 district, whichever is less. The name of each qualified candidate
279 shall be placed on the ballot. The candidate in each school board
280 member district who receives a majority of the votes cast by the
281 qualified electors in that district shall be elected. However, if
282 no candidate receives a majority of the votes, a runoff election
283 shall be held two (2) weeks after the election. The names of the
284 candidate receiving the highest number of votes and the candidate,
285 or candidates in the event of a tie, receiving the next highest
286 vote for the office shall be placed on the ballot in the runoff
287 election. The person receiving the highest number of votes cast
288 by the qualified electors in the runoff election shall be elected.
289 All persons elected to serve on the school board shall take office
290 on the first Monday of January next following the date of their
291 election.

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

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

305 (b) If the unexpired term of the vacated office is
306 greater than six (6) months, an election shall be held to fill the
307 vacancy. The school board shall certify in writing the fact of
308 the vacancy to the municipal governing authorities, if the school
309 district is a municipal separate school district or a special

310 municipal separate school district, or to the board of supervisors
311 in the case of all other school districts. At the next regular
312 meeting of the municipal governing authorities or board of
313 supervisors, as the case may be, after its receipt of
314 certification of the vacancy from the school board, the municipal
315 governing authorities or board of supervisors shall make and enter
316 on its minutes an order for an election to be held in the school
317 board member district in which the vacancy exists and shall fix
318 the date upon which the election shall be held, which date shall
319 not be less than thirty (30) days nor more than forty-five (45)
320 days after the date upon which the order is adopted.

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

332 Candidates for the vacated office shall file with the
333 municipal governing authorities or the board of supervisors, as
334 the case may be, not less than ten (10) days before the date of
335 the election, a petition of nomination signed by at least fifty
336 (50) or twenty percent (20%) of the qualified electors of the
337 school board member district, whichever is less. The election
338 shall be held, as far as practicable, in the same manner as school
339 board elections are conducted under this section. The candidate
340 who receives a majority of the votes cast by the qualified
341 electors in the school board member district shall be elected.
342 However, if no candidate receives a majority of the votes, a

343 runoff election shall be held two (2) weeks after the election.
344 The names of the candidate receiving the highest number of votes
345 and the candidate, or candidates in the event of a tie, receiving
346 the next highest vote for the office shall be placed on the ballot
347 in the runoff election. The person receiving the highest number
348 of votes cast by the qualified electors in the runoff election
349 shall be elected. The clerk of the election commission shall give
350 a certificate of election to the person elected and shall return
351 to the Secretary of State a copy of the order of holding the
352 election and its results, certified by the clerk. The Governor
353 shall commission the person elected to serve the remainder of the
354 unexpired term.

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

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

370 37-5-7. (1) Subject to the provisions of subsection (3) of
371 this section and Section 1 of House Bill No. 897, 2005 Regular
372 Session, on the first Tuesday after the first Monday in May 1954,
373 an election shall be held in each county in this state in the same
374 manner as general state and county elections are held and
375 conducted, which election shall be held for the purpose of

376 electing the county boards of education established under the
377 provisions of this chapter. At the election, the members of
378 the * * * board from Supervisors Districts 1 and 2 shall be
379 elected for the term expiring on the first Monday of January,
380 1957; members of the board from Supervisors Districts 3 and 4
381 shall be elected for a term expiring on the first Monday of
382 January 1959; and the member of the board from Supervisors
383 District 5 shall be elected for a term expiring on the first
384 Monday of January 1955. Except as otherwise provided in
385 subsection (2), all subsequent members of the board shall be
386 elected for a term of six (6) years at the regular general
387 election held on the first Monday in November next preceding the
388 expiration of the term of office of the respective member or
389 members of the board. All members of the county board of
390 education as herein constituted, shall take office on the first
391 Monday of January following the date of their election.

392 (2) Subject to the provisions of subsection (3) of this
393 section and Section 1 of House Bill No. 897, 2005 Regular Session,
394 on the first Tuesday after the first Monday in November, in any
395 year in which any county shall elect to utilize the authority
396 contained in Section 37-5-1(2), an election shall be held in each
397 such county in this state for the purpose of electing the county
398 boards of education in those counties. At the election the
399 members of the * * * county board of education from Districts 1
400 and 2 shall be elected for a term of four (4) years, the members
401 from Districts 3 and 4 shall be elected for a term of six (6)
402 years, and the member from District 5 shall be elected for a term
403 of (2) years. Thereafter, members shall be elected at general
404 elections as vacancies occur for terms of six (6) years each. All
405 members of the county board of education shall take office on the
406 first Monday of January following the date of their election.

407 (3) Notwithstanding the provisions of this section, in order
408 to provide for an orderly transition in the membership of the

409 county boards of education from those members elected under the
410 laws in effect before the effective date of House Bill No. _____,
411 2005 Regular Session, to members elected under the provisions of
412 House Bill No. 897, 2005 Regular Session, the election schedule
413 prescribed in Section 1 of House Bill No. 897, 2005 Regular
414 Session, shall be followed and the terms of office of the school
415 board members elected under this section shall expire according to
416 that prescribed schedule, at which time the respective member's
417 duly elected successor shall take office.

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

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

421 37-7-203. (1) Subject to the provisions of subsection (3)
422 of this section and Section 1 of House Bill No. 897, 2005 Regular
423 Session, the boards of trustees of all municipal separate school
424 districts created under the provisions of Article 1 of this
425 chapter, either with or without added territory, shall consist of
426 five (5) members, each to be chosen for a term of five (5) years,
427 but so chosen that the term of office of one (1) member shall
428 expire each year. If the added territory of a municipal separate
429 school district furnishes fifteen percent (15%) or more of the
430 pupils enrolled in the schools of the district, then at least one
431 (1) member of the board of trustees of the school district shall
432 be a resident of the added territory outside the corporate limits.
433 If the added territory of a municipal separate school district
434 furnishes thirty percent (30%) or more of the pupils enrolled in
435 the schools of the district, then not more than two (2) members of
436 the board of trustees of the school district shall be residents of
437 the added territory outside the corporate limits. If the added
438 territory of a municipal separate school district in a county in
439 which Mississippi Highways 8 and 15 intersect furnishes thirty
440 percent (30%) or more of the pupils enrolled in the schools of the
441 district, then the five (5) members of the board of trustees of

442 the school district shall be elected at large from the school
443 district for a term of five (5) years each except that the two (2)
444 elected trustees presently serving on the board shall continue to
445 serve for their respective terms of office. The three (3)
446 appointed trustees presently serving on the board shall continue
447 to serve until their successors are elected in March of 1975 in
448 the manner provided for in Section 37-7-215. At the election, one
449 (1) trustee shall be elected for a term of two (2) years, one (1)
450 for a term of three (3) years and one (1) for a term of five (5)
451 years. Subsequent terms for each successor trustee shall be for
452 five (5) years. If one (1) of two (2) municipal separate school
453 districts located in any county with two (2) judicial districts,
454 District 1 being comprised of Supervisors Districts 1, 2, 4 and 5,
455 and District 2 being comprised of Supervisors District 3, with
456 added territory embraces three (3) full supervisors districts of a
457 county, one (1) trustee shall be elected from each of the three
458 (3) supervisors districts outside the corporate limits of the
459 municipality. If the territory of a municipal separate school
460 district located in any county with two (2) judicial districts,
461 District 1 being comprised of Supervisors Districts 1, 2, 4 and 5,
462 and District 2 being comprised of Supervisors District 3, with
463 added territory embraces four (4) full supervisors districts in
464 the county, and in any county in which a municipal separate school
465 district embraces the entire county in which Highways 14 and 15
466 intersect, then one (1) trustee shall be elected from each
467 supervisors district.

468 Except as otherwise provided herein, the trustees of such a
469 municipal separate school district shall be elected by a majority
470 of the municipal governing authorities * * * at the first meeting
471 of the municipal governing authorities held in the month of
472 February of each year, and the term of office of the member so
473 elected shall commence on the first Saturday of March following.
474 In the case of a member of the board of trustees who is required

475 to come from the added territory outside the corporate limits as
476 is above provided, the member of the board of trustees shall be
477 elected by the qualified electors of the school district residing
478 in the added territory outside the corporate limits at the same
479 time and in the same manner as is otherwise provided in this
480 article for the election of trustees of school districts other
481 than municipal separate school districts.

482 If a portion of a county school district is reconstituted, in
483 the manner provided by law, into a municipal separate school
484 district with added territory and * * * the trustees to be elected
485 from the added territory are requested to be elected from separate
486 election districts within the added territory, instead of elected
487 at large, by the Attorney General of the United States as a result
488 of and under preclearance under Section 5 of the Voting Rights Act
489 of 1965, as amended and extended, and if the added territory of a
490 municipal separate school district of a municipality furnishes
491 thirty percent (30%) or more of the pupils enrolled in the schools
492 of the district, then two (2) members of the board of trustees
493 shall be residents of the added territory outside the corporate
494 limits of the municipality and shall be elected from special
495 trustee election districts by the qualified electors thereof as
496 herein provided. The board of trustees of the school district
497 shall apportion the added territory into two (2) special trustee
498 election districts as nearly as possible according to population
499 and other factors heretofore pronounced by the courts. The board
500 of trustees of the school district shall thereafter publish the
501 same in a newspaper of general circulation within the school
502 district for at least two (2) consecutive weeks; and after having
503 given notice of publication and recording the same upon the
504 minutes of the board of trustees of the school district, the new
505 district lines shall thereafter be effective. Any person elected
506 from the new trustee election districts constituted herein shall
507 be elected in the manner provided for in Section 37-7-215 for a

508 term of five (5) years. Any vacancy in the office of a trustee
509 elected from the trustee election district, whether occasioned by
510 redistricting or by other cause, shall be filled by appointment of
511 the municipal governing authorities * * *, provided that the
512 person so appointed shall serve only until the first Saturday of
513 March following his appointment, at which time a person shall be
514 elected for the remainder of the unexpired term in the manner
515 provided in Section 37-7-215.

516 In any county organizing a countywide municipal separate
517 school district after January 1, 1965, the trustees thereof to be
518 elected from outside the municipality, the trustees shall be
519 elected by the board of supervisors of the county, and the
520 superintendent of the school district may pay out and distribute
521 the funds of the district. If a municipal separate school
522 district should occupy territory in a county other than that in
523 which the municipality is located and fifteen percent (15%) or
524 more of the pupils enrolled in the schools of the district * * *
525 come from the territory of the district in the county other than
526 that in which the municipality is located, the territory of the
527 county in which the municipality is not located shall be entitled
528 to one (1) member on the board of trustees of the school district.
529 The trustee shall be a resident of the territory of that part of
530 the district lying in the county in which the municipality is not
531 located and shall be elected by the qualified electors of the
532 territory of the county at the same time and in the same manner as
533 is provided for the election of trustees of school districts other
534 than municipal separate school districts having territory in two
535 (2) or more counties.

536 All vacancies shall be filled for the unexpired terms by
537 appointment of the municipal governing authorities * * *; except
538 that in the case of the trustees coming from the added territory
539 outside the corporate limits, the person so appointed shall serve
540 only until the first Saturday of March following his appointment,

541 at which time a person shall be elected for the remainder of the
542 unexpired term in the manner otherwise provided herein.

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

550 (2) Subject to the provisions of subsection (3) of this
551 section and Section 1 of House Bill No. 897, 2005 Regular Session,
552 in counties of less than fifteen thousand (15,000) people having a
553 municipal separate school district with added territory that
554 embraces all the territory of a county, one (1) or more trustees
555 of the district shall be nominated from each supervisors district
556 upon petition of fifty (50) qualified electors of the district, or
557 twenty percent (20%) of the qualified electors of the district,
558 whichever number is smaller, and shall be elected by a plurality
559 of the vote of the qualified electors of the county. One (1)
560 trustee so elected shall reside in each supervisors district of
561 the county. In the counties embraced entirely by a municipal
562 separate school district, there shall be no county board of
563 education after the formation of the district, and the county
564 superintendent of education shall act as superintendent of schools
565 of the district and shall be appointed by the board of trustees of
566 the district, and the provisions of subsection (1) of this section
567 and the first paragraph of Section 37-7-211 shall not apply to
568 those districts.

569 (3) Notwithstanding the provisions of this section, in order
570 to provide for an orderly transition in the membership of the
571 boards of trustees of municipal separate school districts from
572 those members appointed or elected under the laws in effect before
573 the effective date of House Bill No. 897, 2005 Regular Session, to

574 members elected under the provisions of House Bill No. 897, 2005
575 Regular Session, the election schedule prescribed in Section 1 of
576 House Bill No. 897, 2005 Regular Session, shall be followed and
577 the terms of office of the school board members appointed or
578 elected under this section shall expire according to that
579 prescribed schedule, at which time the respective member's duly
580 elected successor shall take office.

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

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

584 37-7-207. (1) Subject to the provisions of subsection (3)
585 of this section and Section 1 of House Bill No. 897, 2005 Regular
586 Session, all school districts reconstituted or created under the
587 provisions of Article 3 of this chapter, and which lie wholly
588 within one (1) county, but not including municipal separate and
589 countywide districts, shall be governed by a board of five (5)
590 trustees. The first board of trustees of the districts shall be
591 appointed by the county board of education, and the original
592 appointments shall be so made that one (1) trustee shall be
593 appointed to serve until the first Saturday of March following the
594 appointments, one (1) for one (1) year longer, one (1) for two (2)
595 years longer, one (1) for three (3) years longer, and one (1) for
596 four (4) years longer. After the original appointments, the
597 trustees of the school districts shall be elected by the qualified
598 electors of the school districts in the manner provided for in
599 Sections 37-7-223 through 37-7-229, with each trustee to be
600 elected for a term of five (5) years. The five (5) members of the
601 board of trustees of the consolidated school district shall be
602 elected from special trustee election districts by the qualified
603 electors thereof, as herein provided. The board of trustees of
604 any such consolidated school district shall apportion the
605 consolidated school district into five (5) special trustee
606 election districts. The board of trustees of the school district

607 shall place upon its minutes the boundaries determined for the new
608 five (5) trustee election districts. The board of trustees shall
609 thereafter publish the same in a newspaper of general circulation
610 within the school district for at least three (3) consecutive
611 weeks; and after having given notice of publication and recording
612 the same upon the minutes of the board of trustees, the new
613 district lines shall thereafter be effective.

614 On the first Tuesday after the first Monday in November, in
615 any year in which any consolidated school district * * * elects to
616 utilize the authority to create single member election districts,
617 an election shall be held in each such district in this state for
618 the purpose of electing the board of trustees of such district.
619 At the election the member of the * * * board from District One
620 shall be elected for a term of one (1) year, the member from
621 District Two shall be elected for a term of two (2) years, the
622 member from District Three shall be elected for a term of three
623 (3) years, the member from District Four shall be elected for a
624 term of four (4) years, and the member from District Five shall be
625 elected for a term of five (5) years. Thereafter, members shall
626 be elected at general elections as vacancies occur for terms of
627 five (5) years each. Trustees elected from single member election
628 districts as provided above shall otherwise be elected as provided
629 for in Sections 37-7-223 through 37-7-229. All members of
630 the * * * board of trustees shall take office on the first Monday
631 of January following the date of their election. All vacancies
632 that may occur during a term shall be filled by appointment of the
633 consolidated school district trustees, but the person so appointed
634 shall serve only until the next general election following the
635 appointment, at which time a person shall be elected for the
636 remainder of the unexpired term at the same time and in the same
637 manner as a trustee is elected for the full term then expiring.
638 The person so elected to the unexpired term shall take office

639 immediately. The appointee shall be selected from the qualified
640 electors of the district in which the vacancy occurs.

641 (2) Subject to the provisions of subsection (3) of this
642 section and Section 1 of House Bill No. 897, 2005 Regular Session,
643 all school districts reconstituted and created under the
644 provisions of Article 3 of this chapter, which embrace territory
645 in two (2) or more counties, but not including municipal separate
646 school districts, shall be governed by a board of five (5)
647 trustees. In making the original appointments, the several county
648 boards of education shall appoint the trustee or trustees to which
649 the territory in the county is entitled, and, by agreement between
650 the county boards concerned, one (1) person shall be appointed to
651 serve until the first Saturday of March following, one (1) for one
652 (1) year longer, one (1) for two (2) years longer, one (1) for
653 three (3) years longer and one (1) for four (4) years longer.
654 Thereafter, the trustees shall be elected as is provided for in
655 Sections 37-7-223 through 37-7-229, for a term of five (5) years.
656 The five (5) members of the board of trustees of the line
657 consolidated school district shall be elected from special trustee
658 election districts by the qualified electors thereof, as herein
659 provided. The existing board of trustees of the line consolidated
660 school district shall apportion the line consolidated school
661 district into five (5) special trustee election districts. The
662 board of trustees shall place upon its minutes the boundaries
663 determined for the new five (5) trustee election districts. The
664 board of trustees shall thereafter publish the same in a newspaper
665 of general circulation within the school district for at least
666 three (3) consecutive weeks; and after having given notice of
667 publication and recording the same upon the minutes of the board
668 of trustees, the new district lines shall thereafter be effective.
669 However, in any line consolidated school district encompassing two
670 (2) or more counties created under Laws, 1953, Extraordinary
671 Session, Chapter 12, Section 8, in which, as a condition precedent

672 to the creation of the district, each county belonging thereto was
673 contractually guaranteed to always have at least one (1)
674 representative on the board, in order that the condition precedent
675 may be honored and guaranteed, in any year in which the board of
676 trustees of the line consolidated school district does not have at
677 least one (1) member from each county or part thereof forming the
678 district, the board of trustees in the district shall be governed
679 by a board of a sufficient number of trustees to fulfill this
680 guarantee, five (5) of whom shall be elected from the five (5)
681 special trustee election districts that shall be as nearly equal
682 as possible and one (1) member trustee appointed at large from
683 each county not having representation on the elected board. In
684 those cases, the board of supervisors of each county shall make
685 written agreement to guarantee the manner of appointment of at
686 least one (1) representative from each county in the district,
687 placing the written agreement on the minutes of each board of
688 supervisors in each county.

689 On the first Tuesday after the first Monday in November, in
690 any year in which any line consolidated school district * * *
691 elects to utilize the authority to create single member election
692 districts, an election shall be held in each such district in this
693 state for the purpose of electing the board of trustees of the
694 district. At the election the member of the * * * board from
695 District One shall be elected for a term of one (1) year, the
696 member from District Two shall be elected for a term of two (2)
697 years, the member from District Three shall be elected for a term
698 of three (3) years, the member from District Four shall be elected
699 for a term of four (4) years, and the member from District Five
700 shall be elected for a term of five (5) years. Thereafter,
701 members shall be elected at general elections as vacancies occur
702 for terms of five (5) years each. Trustees elected from single
703 member election districts as provided above shall otherwise be
704 elected as provided for in Sections 37-7-223 through 37-7-229.

705 All members of the * * * board of trustees shall take office on
706 the first Monday of January following the date of their election.
707 In all elections, the trustee elected shall be a resident and
708 qualified elector of the district entitled to the representation
709 upon the board, and he shall be elected only by the qualified
710 electors of the district. All vacancies that may occur during a
711 term of office shall be filled by appointment of the consolidated
712 line school district trustees, but the person so appointed shall
713 serve only until the next general election following the
714 appointment, at which time a person shall be elected for the
715 remainder of the unexpired term at the same time and in the same
716 manner as the trustee is elected for the full term then expiring.
717 The person so elected to the unexpired term shall take office
718 immediately.

719 (3) Notwithstanding the provisions of this section, in order
720 to provide for an orderly transition in the membership of the
721 boards of trustees of consolidated school districts from those
722 members elected under the laws in effect before the effective date
723 of House Bill No. 897, 2005 Regular Session, to members elected
724 under the provisions of House Bill No. 897, 2005 Regular Session,
725 the election schedule prescribed in Section 1 of House Bill No.
726 897, 2005 Regular Session, shall be followed and the terms of
727 office of the school board members elected under this section
728 shall expire according to that prescribed schedule, at which time
729 the respective member's duly elected successor shall take office.

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

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

733 37-7-707. In all such special municipal separate school
734 districts that may be so organized, reorganized or reconstituted
735 to embrace the entire county in which the majority of the
736 inhabitants of the county reside outside the corporate limits of
737 the municipality, the board of trustees of the district shall be

738 composed of five (5) members, one (1) of whom shall be a resident
739 qualified elector of each supervisors district of the county. The
740 trustees shall be elected from the county at large by the
741 qualified electors of the county at the first regular general
742 election following the approval by the State Board of Education.
743 The trustees shall take office on the first Monday of January
744 following their election.

745 At the election the members of the * * * board from
746 Supervisors Districts 1 and 5 shall be elected for a term of six
747 (6) years, the members from Districts 3 and 4 shall be elected for
748 a term of four (4) years, and the members from District 2 shall be
749 elected for a term of two (2) years. Thereafter members shall be
750 elected at regular general elections as vacancies occur for terms
751 of six (6) years each and shall take office on the first Monday of
752 January after their election.

753 Notwithstanding the provisions of this section, in order to
754 provide for an orderly transition in the membership of the boards
755 of trustees of special municipal separate school districts
756 embracing an entire county, in which a majority of the inhabitants
757 of the county reside outside the corporate limits of the
758 municipality, from those members elected under the laws in effect
759 before the effective date of House Bill No. 897, 2005 Regular
760 Session, to members elected under the provisions of House Bill No.
761 897, 2005 Regular Session, the election schedule prescribed in
762 Section 1 of House Bill No. 897, 2005 Regular Session, shall be
763 followed and the terms of office of the school board members
764 elected under this section shall expire according to that
765 prescribed schedule, at which time the respective member's duly
766 elected successor shall take office.

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

768 **SECTION 6.** Sections 37-5-1, 37-5-3, 37-5-9, 37-5-18 and
769 37-5-19, Mississippi Code of 1972, which establish the county
770 board of education and provide for the qualifications and election

771 of board members and filling of vacancies on the board, are
772 repealed.

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

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

780 **SECTION 9.** Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,
781 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
782 certain methods for electing trustees from added territory of
783 municipal separate school districts, are repealed.

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

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

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

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

802 **SECTION 14.** Section 37-7-723, Mississippi Code of 1972,
803 which provides that in special municipal separate school districts

804 embracing an entire county, the school board of the special
805 municipal separate school district supersedes the county board of
806 education, is repealed.

807 **SECTION 15.** The Attorney General of the State of Mississippi
808 shall submit this act, immediately upon approval by the Governor,
809 or upon approval by the Legislature subsequent to a veto, to the
810 Attorney General of the United States or to the United States
811 District Court for the District of Columbia in accordance with the
812 provisions of the Voting Rights Act of 1965, as amended and
813 extended.

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