

By: Senator(s) Blount

To: Accountability,  
Efficiency, Transparency;  
Elections

SENATE BILL NO. 2624

1 AN ACT TO PROVIDE THAT ANY CHANGES MADE BY LOCAL GOVERNING  
2 AUTHORITIES TO THE LOCATION OF POLLING PLACES AND THE BOUNDARIES  
3 OF PRECINCTS AND ELECTION DISTRICTS SHALL BE PROVIDED TO THE  
4 SECRETARY OF STATE AND PLACED ON AN ONLINE DIRECTORY MAINTAINED BY  
5 THE SECRETARY OF STATE THAT IS ACCESSIBLE TO THE CITIZENS OF THIS  
6 STATE; TO PROVIDE THAT SUCH CHANGES SHALL NOT BECOME EFFECTIVE  
7 UNLESS THEY HAVE BEEN POSTED ON THE ONLINE DIRECTORY FOR 60 DAYS;  
8 TO AMEND SECTIONS 9-11-2, 19-3-1, 21-7-7, 21-8-7, 21-9-15,  
9 21-9-59, 23-15-285, 23-15-557, 37-5-1, 37-7-203 AND 37-7-207,  
10 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
11 PURPOSES.

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

13 **SECTION 1.** (1) As used in this section:

14 (a) "Voting precinct" means one (1) of several  
15 districts into which a county or municipality is divided for  
16 voting, with each containing one (1) polling place.

17 (b) "Polling place" means the place within a precinct  
18 where electors vote.

19 (c) "Election district" means the area comprised of one  
20 or more voting precincts to be represented by a single school  
21 board member, county supervisor, justice court judge, constable,  
22 city council person or alderperson.



23 (d) "Map" means a static representation of the  
24 geography contained within a precinct or election district.

25 (e) "Precinct and district demographics" means  
26 population data from the most recent decennial census showing the  
27 population of a precinct or election district. Such population  
28 shall be reported by voting and nonvoting age population and by  
29 race of the population.

30 (2) A county, municipality government or school board shall  
31 provide the Secretary of State with maps and demographic reports  
32 showing any changes that they make to precincts, polling places  
33 and election districts. The maps shall show the geographic  
34 configuration of the precincts, polling places and election  
35 districts before and after changes. Demographic reports shall  
36 show the changes in precinct or election district demographics  
37 before and after changes.

38 (3) The Secretary of State shall maintain an online  
39 directory of any changes local governments make to precincts,  
40 polling places and election districts that shall be accessible to  
41 the citizens of the state. The directory shall display maps  
42 showing the precincts of all counties and municipalities, the  
43 polling places of such precincts, the geography for all election  
44 districts and precinct and election district demographics for all  
45 such geography.

46 (4) From and after October 1, 2014, no change to a precinct,  
47 polling place, or election district shall become effective until



48 such time as the maps and demographic reports have been posted on  
49 the online directory for not less than sixty (60) days.

50 (5) The Secretary of State shall have the authority to  
51 promulgate rules and regulations regarding the formatting of any  
52 maps or reports required by this section.

53 **SECTION 2.** Section 9-11-2, Mississippi Code of 1972, is  
54 amended as follows:

55 9-11-2. (1) From and after January 1, 1984, there shall be  
56 a competent number of justice court judges in each county of the  
57 state. The number of justice court judges for each county shall  
58 be determined as follows:

59 (a) In counties with a population, according to the  
60 latest federal decennial census, of thirty-five thousand (35,000)  
61 and less, there shall be two (2) justice court judges.

62 (b) In counties with a population, according to the  
63 latest federal decennial census, of more than thirty-five thousand  
64 (35,000) and less than seventy thousand (70,000), there shall be  
65 three (3) justice court judges.

66 (c) In counties with a population, according to the  
67 latest federal decennial census, of seventy thousand (70,000) and  
68 less than one hundred fifty thousand (150,000), there shall be  
69 four (4) justice court judges.

70 (d) In counties with a population, according to the  
71 latest federal decennial census, of one hundred fifty thousand  
72 (150,000) and more, there shall be five (5) justice court judges.



73 (2) The board of supervisors shall establish single member  
74 election districts in the county for the election of each of the  
75 justice court judges authorized and required to be elected for the  
76 county under the provisions of subsection (1) of this section, and  
77 one (1) justice court judge shall be elected for each district by  
78 the electors thereof. In any county authorized and required under  
79 the provisions of \* \* \* ~~paragraph~~ subsection (1)(a) of this section  
80 to provide for the election of two (2) justice court judges for  
81 the county in which there are two (2) judicial districts, the  
82 smaller of such judicial districts, according to population based  
83 upon the latest federal decennial census, shall comprise or shall  
84 be wholly encompassed within one (1) of such election districts.  
85 Changes to the boundaries of election districts shall not become  
86 effective until requirements of Section 1 of this act have been  
87 met.

88 (3) Nothing in this section shall be construed to authorize  
89 or require more than five (5) justice court judges in any one (1)  
90 county from and after January 1, 1984, nor to authorize or require  
91 an increase or decrease in the number of justice court judges for  
92 any county during the term of office of any justice court judge.

93 \* \* \* ~~(4) Notwithstanding the foregoing provisions of this~~  
94 ~~section, in any county whose justice court districts drawn~~  
95 ~~pursuant to subsection (2) of this section are, on November 8,~~  
96 ~~1983, being controverted in a court action or being reviewed~~  
97 ~~pursuant to the procedure established by the Voting Rights Act of~~



98 ~~1965, as amended and extended, those justice court judges serving~~  
99 ~~on such date shall continue to hold office until:~~

100 ~~———— (a) A final adjudication of the court action or~~  
101 ~~approval of the new districts pursuant to the Voting Rights Act,~~  
102 ~~and~~

103 ~~———— (b) The election and qualification of successors of~~  
104 ~~such justice court judges as provided by law.~~

105 **SECTION 3.** Section 19-3-1, Mississippi Code of 1972, is  
106 amended as follows:

107 19-3-1. (1) Each county shall be divided into five (5)  
108 districts, with due regard to equality of population and  
109 convenience of situation for the election of members of the boards  
110 of supervisors, but the districts as now existing shall continue  
111 until changed. The qualified electors of each district shall  
112 elect, at the next general election, and every four (4) years  
113 thereafter, in their districts one (1) member of the board of  
114 supervisors. Subject to the provisions of Section 23-15-285, the  
115 board, by a three-fifths (3/5) vote of all members elected, may  
116 change the districts, the boundaries to be entered at large in the  
117 minutes of the proceedings of the board. Provided, however, that  
118 such changed boundaries shall in as far as possible conform as to  
119 natural, visible artificial boundaries, such as streets, highways,  
120 railroads, rivers, lakes, bayous or other obvious lines of  
121 demarcation, except county lines and municipal corporate limits.



122       (2) If the boundaries of the districts are changed by order  
123 of the board of supervisors as provided in this section, the order  
124 shall be published in a newspaper having general circulation in  
125 the county once each week for three (3) consecutive weeks.  
126 Changes in the boundaries of the districts shall not become  
127 effective until the requirements of Section 1 of this act have  
128 been met.

129       **SECTION 4.** Section 21-7-7, Mississippi Code of 1972, is  
130 amended as follows:

131       21-7-7. (1) The governing body of any such municipality  
132 shall be a council, known and designated as such, consisting of  
133 seven (7) members. One (1) of the members shall be the mayor,  
134 having the qualifications as prescribed by Section 21-3-9, who  
135 shall have full rights, powers and privileges of other councilmen.  
136 The mayor shall be nominated and elected at large; the remaining  
137 councilmen shall be nominated and elected one (1) from each ward  
138 into which the city shall be divided. However, if the city be  
139 divided into less than six (6) wards, the remaining councilmen  
140 shall be nominated and elected at large. The councilmen,  
141 including the mayor, shall be elected for a term of four (4) years  
142 to serve until their successors are elected and qualified in  
143 accordance with the provisions of Section 21-11-7, \* \* \*~~said~~ the  
144 term commencing on the first Monday of January after the municipal  
145 election first following the adoption of the form of government as  
146 provided by this chapter.



147       (2) In cases in which the municipality has been divided into  
148 wards for election purposes, changes in ward boundaries shall not  
149 become effective until the requirements of Section 1 of this act  
150 have been met.

151       (3) The compensation for the members of the council shall,  
152 for the first four (4) years of operation, under this chapter, be  
153 fixed by the board of mayor and aldermen holding office prior to  
154 the change in form of government. Thereafter the amount of  
155 compensation for each such member may be increased or decreased by  
156 the council, by council action taken prior to the election of  
157 members thereof for the ensuing term, such action to become  
158 effective with the ensuing terms.

159       **SECTION 5.** Section 21-8-7, Mississippi Code of 1972, is  
160 amended as follows:

161       21-8-7. (1) Each municipality operating under the  
162 mayor-council form of government shall be governed by an elected  
163 council and an elected mayor. Other officers and employees shall  
164 be duly appointed pursuant to this chapter, general law or  
165 ordinance.

166       (2) Except as otherwise provided in subsection (4) of this  
167 section, the mayor and council members shall be elected by the  
168 voters of the municipality at a regular municipal election held on  
169 the first Tuesday after the first Monday in June as provided in  
170 Section 21-11-7, and shall serve for a term of four (4) years



171 beginning on the first day of July next following the election  
172 that is not on a weekend.

173 (3) The terms of the initial mayor and council members shall  
174 commence at the expiration of the terms of office of the elected  
175 officials of the municipality serving at the time of adoption of  
176 the mayor-council form of government.

177 (4) (a) The council shall consist of five (5), seven (7) or  
178 nine (9) members. In the event there are five (5) council  
179 members, the municipality shall be divided into either five (5) or  
180 four (4) wards. In the event there are seven (7) council members,  
181 the municipality shall be divided into either seven (7), six (6)  
182 or five (5) wards. In the event there are nine (9) council  
183 members, the municipality shall be divided into seven (7) or nine  
184 (9) wards. If the municipality is divided into fewer wards than  
185 it has council members, the other council member or members shall  
186 be elected from the municipality at large. The total number of  
187 council members and the number of council members elected from  
188 wards shall be established by the petition or petitions presented  
189 pursuant to Section 21-8-3. One (1) council member shall be  
190 elected from each ward by the voters of that ward. Council  
191 members elected to represent wards must be residents of their  
192 wards at the time of qualification for election, and any council  
193 member who removes the member's residence from the municipality or  
194 from the ward from which elected shall vacate that office.  
195 However, any candidate for council member who is properly





196 qualified as a candidate under applicable law shall be deemed to  
197 be qualified as a candidate in whatever ward the member resides if  
198 the ward has changed after the council has redistricted the  
199 municipality as provided in paragraph (c) (ii) of this subsection  
200 (4), and if the wards have been so changed, any person may qualify  
201 as a candidate for council member, using the person's existing  
202 residence or by changing the person's residence, not less than  
203 fifteen (15) days before the first party primary or special party  
204 primary, as the case may be, notwithstanding any other residency  
205 or qualification requirements to the contrary.

206 (b) The council or board existing at the time of the  
207 adoption of the mayor-council form of government shall designate  
208 the geographical boundaries of the wards within one hundred twenty  
209 (120) days after the election in which the mayor-council form of  
210 government is selected. In designating the geographical  
211 boundaries of the wards, each ward shall contain, as nearly as  
212 possible, the population factor obtained by dividing the  
213 municipality's population as shown by the most recent decennial  
214 census by the number of wards into which the municipality is to be  
215 divided. The wards established under this subsection shall meet  
216 the requirements of Section 1 of this act as a precondition  
217 becoming effective.

218 (c) (i) It shall be the mandatory duty of the council  
219 to redistrict the municipality by ordinance, which ordinance may  
220 not be vetoed by the mayor, within six (6) months after the



221 official publication by the United States of the population of the  
222 municipality as enumerated in each decennial census, and within  
223 six (6) months after the effective date of any expansion of  
224 municipal boundaries; however, if the publication of the most  
225 recent decennial census or effective date of an expansion of the  
226 municipal boundaries occurs six (6) months or more before the  
227 first party primary of a general municipal election, then the  
228 council shall redistrict the municipality by ordinance not less  
229 than sixty (60) days before the first party primary.

230 (ii) If the publication of the most recent  
231 decennial census occurs less than six (6) months before the first  
232 primary of a general municipal election, the election shall be  
233 held with regard to the existing defined wards; reapportioned  
234 wards based on the census shall not serve as the basis for  
235 representation until the next regularly scheduled election in  
236 which council members shall be elected.

237 (iii) Any redistricting made under this subsection  
238 shall not become effective until the requirements of Section 1 of  
239 this act have been met.

240 (d) If annexation of additional territory into the  
241 municipal corporate limits of the municipality occurs less than  
242 six (6) months before the first party primary of a general  
243 municipal election, the council shall, by ordinance adopted within  
244 three (3) days of the effective date of the annexation, assign the  
245 annexed territory to an adjacent ward or wards so as to maintain



246 as nearly as possible substantial equality of population between  
247 wards; any subsequent redistricting of the municipality by  
248 ordinance, as required by this chapter, shall not serve as the  
249 basis for representation until the next regularly scheduled  
250 election for municipal council members.

251 (5) Vacancies occurring in the council shall be filled as  
252 provided in Section 23-15-857.

253 (6) The mayor shall maintain an office at the city hall.  
254 The council members shall not maintain individual offices at the  
255 city hall; however, in a municipality having a population of one  
256 hundred thousand (100,000) and above according to the latest  
257 federal decennial census, council members may have individual  
258 offices in the city hall. Clerical work of council members in the  
259 performance of the duties of their office shall be performed by  
260 municipal employees or at municipal expense, and council members  
261 shall be reimbursed for the reasonable expenses incurred in the  
262 performance of the duties of their office.

263 **SECTION 6.** Section 21-9-15, Mississippi Code of 1972, is  
264 amended as follows:

265 21-9-15. (1) (a) The legislative power of any city in  
266 which the council-manager plan of government is in effect under  
267 this chapter shall be vested in a council consisting of a mayor  
268 and five (5) councilmen.

269 (b) Any city with a larger or smaller number of  
270 councilmen, prior to September 30, 1962, may retain this larger or



271 smaller number of councilmen or may adopt the council size of five  
272 (5) as prescribed \* \* \* ~~herein~~ in this section. This option shall  
273 be exercised through the enactment of an appropriate ordinance by  
274 the municipal governing body prior to the election to adopt the  
275 council-manager plan of government. In the event the council  
276 fails to exercise this option, the council shall consist of five  
277 (5) councilmen.

278 (c) At the next regular municipal election which takes  
279 place after the adoption of the council-manager form of  
280 government, the mayor shall be elected at large by the voters of  
281 the entire city. \* \* \* ~~Also, t~~ The councilmen shall be elected at  
282 large by the voters of the entire city to represent a city-wide  
283 district, or each of four (4) councilmen may be elected from a  
284 ward to represent such ward and one (1) councilman may be elected  
285 to represent a city-wide district. This option shall be exercised  
286 by an appropriate ordinance enacted by the city governing body  
287 prior to the election to adopt the council-manager plan of  
288 government. In the event the council fails to exercise this  
289 option, the councilmen shall be elected at large to represent the  
290 city-wide district. In its discretion at any time after adoption  
291 and implementation of the council-manager plan of government, the  
292 council may provide for the election of councilmen by wards as  
293 provided \* \* \* ~~herein~~ in this section, which shall become effective  
294 at the next regularly scheduled election for city councilmen.



295 (d) Councilmen elected to represent wards must be  
296 residents of their wards; and in cities having more or fewer than  
297 five (5) councilmen, prior to September 30, 1962, the city  
298 governing body shall determine the number of councilmen to  
299 represent the wards and the number of councilmen to represent the  
300 city-wide district.

301 (e) The council of any municipality having a population  
302 exceeding forty-five thousand (45,000) inhabitants according to  
303 the 1970 decennial census which is situated in a Class 1 county  
304 bordering on the State of Alabama and which is governed by a  
305 council-manager plan of government on January 1, 1977 may, in its  
306 discretion, adopt an ordinance to require the election of four (4)  
307 of the five (5) council members from wards and not from the city  
308 at large. The four (4) council members shall be elected one (1)  
309 each from the wards in which they reside in the municipality, and  
310 shall be elected only by the registered voters residing within the  
311 ward in which the council member resides. The mayor and fifth  
312 council member may continue to be elected from the city at large.  
313 Any council member who shall remove his residence from the ward  
314 from which he was elected shall, by operation of law, vacate his  
315 seat on the council.

316 (2) After publication of the population of the municipality  
317 according to the 1980 decennial census, the governing authorities  
318 of the municipality shall designate the geographical boundaries of  
319 new wards as provided in this \* \* \* subsectionssubparagraph. Each



320 ward shall contain as nearly as possible the population factor  
321 obtained by dividing by four (4) the city's population as shown by  
322 the 1980 and each most recent decennial census thereafter. It  
323 shall be the mandatory duty of the council to redistrict the city  
324 by ordinance, which ordinance may not be vetoed by the mayor,  
325 within six (6) months after the official publication by the United  
326 States of the population of the city as enumerated in each  
327 decennial census, and within six (6) months after the effective  
328 date of any expansion of municipal boundaries; \* \* \*~~provided,~~  
329 however, if the publication of the most recent decennial census or  
330 effective date of an expansion of the municipal boundaries occurs  
331 six (6) months or more prior to the first primary of a general  
332 municipal election, then the council shall redistrict the city by  
333 ordinance within at least sixty (60) days of such first primary.  
334 If the publication of the most recent decennial census occurs less  
335 than six (6) months prior to the first primary of a general  
336 municipal election, the election shall be held with regard to  
337 currently defined wards; and reapportioned wards based on the  
338 census shall not serve as the basis for representation until the  
339 next regularly scheduled election in which council members shall  
340 be elected. If annexation of additional territory into the  
341 municipal corporate limits of the city shall occur less than six  
342 (6) months prior to the first primary of a general municipal  
343 election, the city council shall, by ordinance adopted within  
344 three (3) days of the effective date of such annexation, assign



345 such annexed territory to an adjacent ward or wards so as to  
346 maintain as nearly as possible substantial equality of population  
347 between wards. Any subsequent redistricting of the city by  
348 ordinance as required by this section shall not serve as the basis  
349 for representation until the next regularly scheduled election for  
350 city councilmen. Any redistricting made under this subsection  
351 shall not become effective until the requirements of Section 1 of  
352 this act have been met.

353 ( \* \* \*23) However, in any municipality situated in a Class  
354 1 county bordering on the Mississippi Sound and the State of  
355 Alabama, traversed by U.S. Highway 90, the legislative power of  
356 such municipality in which the council-manager plan of government  
357 is in effect shall be vested in a council consisting of a mayor  
358 and six (6) councilmen. In the next regular municipal election in  
359 such municipality, the mayor shall be elected at large by the  
360 voters of the entire municipality. Also, the councilmen shall be  
361 elected at large by the voters of the entire municipality to  
362 represent a municipality-wide district, or each of five (5)  
363 councilmen may be elected from one (1) of five (5) wards to  
364 represent said ward and one (1) councilman shall be elected to  
365 represent a municipality-wide district. This option as to wards  
366 shall be exercised by an appropriate ordinance enacted by the  
367 municipal governing body. In the event the council fails to  
368 exercise this option, the councilmen shall be elected at large to



369 represent the municipality-wide district. Councilmen elected to  
370 represent wards must be residents of their wards.

371 The method of electing the mayor and councilmen shall be the  
372 same as otherwise provided by law except as provided in this  
373 chapter. The mayor and councilmen elected hereunder shall hold  
374 office for a term of four (4) years and until their successors are  
375 elected and qualified. No person shall be eligible to the office  
376 of mayor or councilman unless he is a qualified elector of such  
377 city.

378 ( \* \* \*34) (a) In the event a city with a population of one  
379 hundred thousand (100,000) or more inhabitants according to the  
380 last decennial census adopts the council-manager form of  
381 government, the legislative power of said city shall be vested in  
382 a council consisting of a mayor and eight (8) councilmen.

383 (b) At the next regular municipal election which takes  
384 place after the adoption of the council-manager form of  
385 government, the mayor shall be elected at large by the voters of  
386 the entire municipality. The municipality shall be divided into  
387 five (5) wards with one (1) councilman to be elected from each  
388 ward by the voters of that ward, and three (3) councilmen to be  
389 elected from the municipality at large. Councilmen elected to  
390 represent wards must be residents of their wards at the time of  
391 qualification for election, and any councilman who removes his  
392 residence from the city or from the ward from which he was elected  
393 shall vacate his office.





394 (c) It shall be the duty of the municipal governing  
395 body existing at the time of the adoption of the council-manager  
396 form of government to designate the geographical boundaries of the  
397 five (5) wards within sixty (60) days after the election in which  
398 the council-manager form is selected. In designating the  
399 geographical boundaries of the five (5) wards, each ward shall  
400 contain as nearly as possible the population factor obtained by  
401 dividing by five (5) the city's population as shown by the most  
402 recent decennial census. It shall be the mandatory duty of the  
403 council to redistrict the city by ordinance, which ordinance may  
404 not be vetoed by the mayor, within six (6) months after the  
405 official publication by the United States of the population of the  
406 city as enumerated in each decennial census, and within six (6)  
407 months after the effective date of any expansion of municipal  
408 boundaries; however, if the publication of the most recent  
409 decennial census or effective date of an expansion of the  
410 municipal boundaries occurs six (6) months or more prior to the  
411 first primary of a general municipal election, then the council  
412 shall redistrict the city by ordinance within at least sixty (60)  
413 days of such first primary. If the publication of the most recent  
414 decennial census occurs less than six (6) months prior to the  
415 first primary of a general municipal election, the election shall  
416 be held with regard to currently defined wards; and reapportioned  
417 wards based on the census shall not serve as the basis for  
418 representation until the next regularly scheduled election in



419 which city councilmen shall be elected. If annexation of  
420 additional territory into the municipal corporate limits of the  
421 city shall occur less than six (6) months prior to the first  
422 primary of a general municipal election, the city council shall,  
423 by ordinance adopted within three (3) days of the effective date  
424 of such annexation, assign such annexed territory to an adjacent  
425 ward or wards so as to maintain as nearly as possible substantial  
426 equality of population between wards; any subsequent redistricting  
427 of the city by ordinance as required by this section shall not  
428 serve as the basis for representation until the next regularly  
429 scheduled election for city councilmen. Any designation of the  
430 geographical boundaries of wards or any redistricting made under  
431 this subsection shall not become effective until the requirements  
432 of Section 1 of this act have been met.

433 ( \* \* \*45) The method of electing the mayor and councilmen  
434 shall be the same as otherwise provided by law, except as provided  
435 in this chapter. The mayor and councilmen elected hereunder shall  
436 hold office for a term of four (4) years and until their  
437 successors are elected and qualified. No person shall be eligible  
438 to the office of mayor or councilman unless he is a qualified  
439 elector of such city.

440 **SECTION 7.** Section 21-9-59, Mississippi Code of 1972, is  
441 amended as follows:

442 21-9-59. The council is authorized to provide by ordinance  
443 for the division of the wards, or if there be no wards, for the



444 division of the municipality, into such number of voting precincts  
445 as may be necessary, each as nearly as possible containing the  
446 same number of qualified electors. The division of the  
447 municipality into wards and voting precincts shall not become  
448 effective until the requirements of Section 1 of this act have  
449 been met.

450         **SECTION 8.** Section 23-15-285, Mississippi Code of 1972, is  
451 amended as follows:

452         23-15-285. (1) The board of supervisors shall cause an  
453 entry to be made on the minutes of the board at some meeting, as  
454 early as convenient, defining the boundaries of the several  
455 supervisors districts and voting precincts in the county, and  
456 designating the voting place in each voting precinct; and as soon  
457 as practicable after any change is made in any supervisors  
458 district, voting precinct or any voting place, the board of  
459 supervisors shall cause such change to be entered on the minutes  
460 of the board in such manner as to be easily understood. The  
461 changed boundaries shall conform to visible natural or artificial  
462 boundaries such as streets, highways, railroads, rivers, lakes,  
463 bayous or other obvious lines of demarcation, with the exception  
464 of county lines and municipal corporate limits.

465         (2) No voting precinct shall have more than five hundred  
466 (500) qualified electors residing in its boundaries. Subject to  
467 the provisions of this section, each board of supervisors of the  
468 various counties of this state shall as soon as practical after



469 the effective date of this section, alter or change the boundaries  
470 of the various voting precincts to comply \* \* \*~~herewith~~ with this  
471 section and shall from time to time make such changes in the  
472 boundaries of voting precincts so that there shall never be more  
473 than five hundred (500) qualified electors within the boundaries  
474 of the various voting precincts of this state; \* \* \*~~provided~~  
475 ~~further~~ however, this limitation shall not apply to voting  
476 precincts that are so divided, alphabetically or otherwise, so as  
477 to have less than five hundred (500) qualified electors in any one  
478 (1) box within a voting precinct. \* \* \*~~However,~~ ~~t~~ The limitation  
479 of five hundred (500) qualified electors to the voting precinct  
480 shall not apply to voting precincts in which voting machines are  
481 used at all elections held in that voting precinct. No change in  
482 any supervisors district or voting precinct shall take effect less  
483 than thirty (30) days before the qualifying deadline for the  
484 office of county supervisor. If the change is required to be  
485 precleared under Section 5 of the Voting Rights Act of  
486 1965, \* \* \*~~Any~~ and the change in any boundary of a supervisors  
487 district or voting precinct \* \* \*~~that~~ is \* \* \*~~approved~~ precleared  
488 under the Voting Rights Act of 1965 less than thirty (30) days  
489 before \* \* \*~~such~~ the qualifying deadline, the change shall be  
490 effective only for an election for county supervisor held in a  
491 year following the year in which \* \* \*~~such~~ the change  
492 is \* \* \*~~approved~~ precleared under the Voting Rights Act of  
493 1965. \* \* \* ~~Provided, however, that,~~ ~~w~~With the exception of



494 county lines and municipal corporate limits, \* \* \*~~such~~ altered  
495 boundaries shall conform to visible natural or artificial  
496 boundaries such as streets, highways, railroads, rivers, lakes,  
497 bayous or other obvious lines of demarcation.

498 (3) Any changes to supervisors districts and voting  
499 precincts shall not become effective until the requirements of  
500 Section 1 of this act have been met.

501 **SECTION 9.** Section 23-15-557, Mississippi Code of 1972, is  
502 amended as follows:

503 23-15-557. The governing authorities of any municipality  
504 within the State of Mississippi are \* \* \*~~hereby~~ authorized and  
505 empowered, in their discretion, to divide the municipality into a  
506 sufficient number of voting precincts of such size and location as  
507 is necessary, and there shall be the same number of polling  
508 places. The authority conducting an election shall not be  
509 required, however, to establish a polling place in each  
510 of \* \* \*~~said~~ the precincts, but \* \* \*~~such~~ the election  
511 authorities, whether in a primary or in a general election, may  
512 locate and establish \* \* \*~~such~~ the polling places, without regard  
513 to precinct lines, in such manner as in the discretion  
514 of \* \* \*~~such~~ the authority will better accommodate the electorate  
515 and better facilitate the holding of the election. Precinct  
516 boundaries and polling places established pursuant to this section  
517 shall not become effective until the requirements of Section 1 of  
518 this act have been met.



519           **SECTION 10.** Section 37-5-1, Mississippi Code of 1972, is  
520 amended as follows:

521           37-5-1. (1) There is hereby established a county board of  
522 education in each county of the State of Mississippi. \* \* \* ~~Said~~  
523 The county board of education shall consist of five (5) members,  
524 one (1) of which, subject to the further provisions of this  
525 chapter and except as is otherwise provided in Section 37-5-1(2),  
526 shall be elected by the qualified electors of each board of  
527 education district of the county. Except as is otherwise provided  
528 in Section 37-5-3, each member so elected shall be a resident and  
529 qualified elector of the district from which he is elected.

530           (2) The county board of education shall apportion the county  
531 school district into five (5) single member board of education  
532 districts. The county board of education shall place upon its  
533 minutes the boundaries determined for the new five (5) board of  
534 education districts. The board of education of \* \* \* ~~said~~ the  
535 county shall thereafter publish the \* \* \* ~~same~~ boundaries in some  
536 newspaper of general circulation within said county for at least  
537 three (3) consecutive weeks and after having given notice of  
538 publication and recording the \* \* \* ~~same~~ them upon the minutes of  
539 the board of education of \* \* \* ~~said~~ the county, \* \* \* ~~said~~ the new  
540 district lines will thereafter be effective; however, any  
541 redistricting made under this subsection shall not become  
542 effective until the requirements of Section 1 of this act have  
543 been met. The board of education of \* \* \* ~~said~~ the county shall



544 reapportion the board of education districts in accordance with  
545 the procedure described \* \* \*~~herein~~ in this section for the  
546 original apportionment of districts as soon as practicable after  
547 the results of the 2000 decennial census are published and as soon  
548 as practicable after every decennial census thereafter.

549 (3) In counties where the office of "administrative  
550 superintendent" as defined in Section 37-6-3, Mississippi Code of  
551 1972, has been abolished, there shall be no county board of  
552 education.

553 **SECTION 11.** Section 37-7-203, Mississippi Code of 1972, is  
554 amended as follows:

555 37-7-203. (1) Except as otherwise provided in subsection  
556 (3) of this section, the boards of trustees of all municipal  
557 separate school districts created under this chapter, either with  
558 or without added territory, shall consist of five (5) members,  
559 each to be chosen for a term of five (5) years, but so chosen that  
560 the term of office of one (1) member shall expire each year. In  
561 the event the added territory of a municipal separate school  
562 district furnishes fifteen percent (15%) or more of the pupils  
563 enrolled in the schools of such district, then at least one (1)  
564 member of the board of trustees of such school district shall be a  
565 resident of the added territory outside the corporate limits. In  
566 the event the added territory of a municipal separate school  
567 district furnishes thirty percent (30%) or more of the pupils  
568 enrolled in the schools of such district, then not more than two



569 (2) members of the board of trustees of such school district shall  
570 be residents of the added territory outside the corporate limits.  
571 In the event the added territory of a municipal separate school  
572 district in a county in which Mississippi Highways 8 and 15  
573 intersect furnishes thirty percent (30%) or more of the pupils  
574 enrolled in the schools of such district, then the five (5)  
575 members of the board of trustees of such school district shall be  
576 elected at large from such school district for a term of five (5)  
577 years each except that the two (2) elected trustees presently  
578 serving on such board shall continue to serve for their respective  
579 terms of office. The three (3) appointed trustees presently  
580 serving on such board shall continue to serve until their  
581 successors are elected in March of 1975 in the manner provided for  
582 in Section 37-7-215. At such election, one (1) trustee shall be  
583 elected for a term of two (2) years, one (1) for a term of three  
584 (3) years and one (1) for a term of five (5) years. Subsequent  
585 terms for each successor trustee shall be for five (5) years. In  
586 the event one (1) of two (2) municipal separate school districts  
587 located in any county with two (2) judicial districts, District 1  
588 being comprised of Supervisors Districts 1, 2, 4 and 5, and  
589 District 2 being comprised of Supervisors District 3, with added  
590 territory embraces three (3) full supervisors districts of a  
591 county, one (1) trustee shall be elected from each of the three  
592 (3) supervisors districts outside the corporate limits of the  
593 municipality. In the further event that the territory of a





594 municipal separate school district located in any county with two  
595 (2) judicial districts, District 1 being comprised of Supervisors  
596 Districts 1, 2, 4 and 5, and District 2 being comprised of  
597 Supervisors District 3, with added territory embraces four (4)  
598 full supervisors districts in the county, and in any county in  
599 which a municipal separate school district embraces the entire  
600 county in which Highways 14 and 15 intersect, one (1) trustee  
601 shall be elected from each supervisors district.

602       Except as otherwise provided herein, the trustees of such a  
603 municipal separate school district shall be elected by a majority  
604 of the governing authorities of the municipality at the first  
605 meeting of the governing authorities held in the month of February  
606 of each year, and the term of office of the member so elected  
607 shall commence on the first Saturday of March following. In the  
608 case of a member of the board of trustees who is required to come  
609 from the added territory outside the corporate limits as is above  
610 provided, such member of the board of trustees shall be elected by  
611 the qualified electors of the school district residing in such  
612 added territory outside the corporate limits at the same time and  
613 in the same manner as is otherwise provided in this article for  
614 the election of trustees of school districts other than municipal  
615 separate school districts.

616       In the event that a portion of a county school district is  
617 reconstituted, in the manner provided by law, into a municipal  
618 separate school district with added territory and in the event



619 that the trustees to be elected from the added territory are  
620 requested to be elected from separate election districts within  
621 the added territory, instead of elected at large, by the Attorney  
622 General of the United States as a result of and pursuant to  
623 preclearance under Section 5 of the Voting Rights Act of 1965, as  
624 amended and extended, and in the event the added territory of a  
625 municipal separate school district of a municipality furnishes  
626 thirty percent (30%) or more of the pupils enrolled in the schools  
627 of such district, then two (2) members of the board of trustees  
628 shall be residents of the added territory outside the corporate  
629 limits of such municipality and shall be elected from special  
630 trustee election districts by the qualified electors thereof as  
631 herein provided. The board of trustees of the school district  
632 shall apportion the added territory into two (2) special trustee  
633 election districts as nearly as possible according to population  
634 and other factors heretofore pronounced by the courts. The board  
635 of trustees of the school district shall thereafter publish  
636 the \* \* \*~~same~~ district in a newspaper of general circulation  
637 within that school district for at least two (2) consecutive  
638 weeks; and after having given notice of publication and recording  
639 the \* \* \*~~same~~ districts upon the minutes of the board of trustees  
640 of the school district, the new district lines shall thereafter be  
641 effective if the requirements of Section 1 of this act have been  
642 met. Any person elected from the new trustee election districts  
643 constituted herein shall be elected in the manner provided for in



644 Section 37-7-215 for a term of five (5) years. Any vacancy in the  
645 office of a trustee elected from such trustee election district,  
646 whether occasioned by redistricting or by other cause, shall be  
647 filled by appointment of the governing authorities of the  
648 municipality, provided that the person so appointed shall serve  
649 only until the next general election following his appointment, at  
650 which time a person shall be elected for the remainder of the  
651 unexpired term in the manner provided in Section 37-7-215.

652 In any county organizing a countywide municipal separate  
653 school district after January 1, 1965, the trustees thereof to be  
654 elected from outside the municipality, such trustees shall be  
655 elected by the board of supervisors of such county, and the  
656 superintendent of such school district shall have authority to pay  
657 out and distribute the funds of the district. In the event a  
658 municipal separate school district should occupy territory in a  
659 county other than that in which the municipality is located and  
660 fifteen percent (15%) or more of the pupils enrolled in the  
661 schools of such district shall come from the territory of the  
662 district in the county other than that in which the municipality  
663 is located, the territory of \* \* \*~~such~~ the county in which the  
664 municipality is not located shall be entitled to one (1) member on  
665 the board of trustees of \* \* \*~~such~~ the school district. The  
666 trustee shall be a resident of the territory of that part of the  
667 district lying in the county in which the municipality is not  
668 located and shall be elected by the qualified electors of the



669 territory of \* \* \*~~such~~ the county at the same time and in the same  
670 manner as is provided for the election of trustees of school  
671 districts other than municipal separate school districts having  
672 territory in two (2) or more counties.

673 All vacancies shall be filled for the unexpired terms by  
674 appointment of the governing authorities of the municipality;  
675 except that in the case of the trustees coming from the added  
676 territory outside the corporate limits, the person so appointed  
677 shall serve only until the next general election following his  
678 appointment, at which time a person shall be elected for the  
679 remainder of the unexpired term in the manner otherwise provided  
680 herein.

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

688 (2) In counties of less than fifteen thousand (15,000)  
689 people having a municipal separate school district with added  
690 territory which embraces all the territory of a county, one or  
691 more trustees of the school district shall be nominated from each  
692 supervisors district upon petition of fifty (50) qualified  
693 electors of that supervisors district, or twenty percent (20%) of



694 the qualified electors of such district, whichever number shall be  
695 smaller. One (1) trustee must be elected from each supervisors  
696 district of the county. In such counties embraced entirely by a  
697 municipal separate school district, there shall be no county board  
698 of education after the formation of such district, and the county  
699 superintendent of education shall act as superintendent of schools  
700 of the district and shall be appointed by the board of trustees of  
701 that district, and the provisions of subsection (1) of this  
702 section and the first paragraph of Section 37-7-211 shall not  
703 apply to such districts.

704 (3) In municipalities designated as having a mayor-council  
705 form of government under Chapter 8, Title 21, Mississippi Code of  
706 1972, and having a population in excess of one hundred thousand  
707 (100,000) according to the 2000 decennial census, the boards of  
708 trustees of the municipal separate school district located in the  
709 municipality may, if authorized by ordinance of the municipal  
710 governing authority, consist of seven (7) members residing in each  
711 of the seven (7) wards in the municipality, to be appointed by the  
712 mayor and confirmed by the city council as follows: (a) each  
713 board member shall reside in the ward from which he is appointed;  
714 (b) members serving on March 31, 2010, shall continue to serve  
715 until a new term commences and new members shall be selected from  
716 wards not currently represented on the board; (c) one (1) of the  
717 two (2) additional appointments shall serve a term of five (5)  
718 years and one (1) for a term of four (4) years, with all



719 subsequent appointments for a five-year term; and (d) each new  
720 appointment shall be made by the mayor and confirmed by the city  
721 council of the municipality at the first meeting of the governing  
722 authorities held in the month of June following March 31, 2010,  
723 and thereafter each year, and the term of office of each member so  
724 selected shall commence on the first Saturday of July following.

725         **SECTION 12.** Section 37-7-207, Mississippi Code of 1972, is  
726 amended as follows:

727         37-7-207. (1) All school districts reconstituted or created  
728 under the provisions of Article 1 of this chapter, and which lie  
729 wholly within one (1) county, but not including municipal separate  
730 and countywide districts, shall be governed by a board of five (5)  
731 trustees. The first board of trustees of such districts shall be  
732 appointed by the county board of education, and the original  
733 appointments shall be so made that one (1) trustee shall be  
734 appointed to serve until the first Saturday of March following  
735 such appointments, one (1) for one (1) year longer, one (1) for  
736 two (2) years longer, one (1) for three (3) years longer, and one  
737 (1) for four (4) years longer. After such original appointments,  
738 the trustees of such school districts shall be elected by the  
739 qualified electors of such school districts in the manner provided  
740 for in Sections 37-7-223 through 37-7-229, with each trustee to be  
741 elected for a term of five (5) years. The five (5) members of the  
742 board of trustees of such consolidated school district shall be  
743 elected from special trustee election districts by the qualified



744 electors thereof, as \* \* \*~~herein~~ provided in this section. The  
745 board of trustees of any such consolidated school district shall  
746 apportion the consolidated school district into five (5) special  
747 trustee election districts. The board of trustees of such school  
748 district shall place upon its minutes the boundaries determined  
749 for the new five (5) trustee election districts. The board of  
750 trustees shall thereafter publish the \* \* \*~~same~~ boundaries in a  
751 newspaper of general circulation within \* \* \*~~said~~ the school  
752 district for at least three (3) consecutive weeks; and after  
753 having given notice of publication and recording the same upon the  
754 minutes of the board of trustees, said new district lines shall  
755 thereafter be effective if the requirements of Section 1 of this  
756 act have been met.

757 On the first Tuesday after the first Monday in November, in  
758 any year in which any consolidated school district shall elect to  
759 utilize the authority to create single member election districts,  
760 an election shall be held in each \* \* \*~~such~~ district in this state  
761 for the purpose of electing the board of trustees of \* \* \*~~such~~ the  
762 district. At \* \* \*~~said~~ the election the member of the said board  
763 from District One shall be elected for a term of one (1) year, the  
764 member from District Two shall be elected for a term of two (2)  
765 years, the member from District Three shall be elected for a term  
766 of three (3) years, the member from District Four shall be elected  
767 for a term of four (4) years, and the member from District Five  
768 shall be elected for a term of five (5) years. Thereafter,



769 members shall be elected at general elections as vacancies occur  
770 for terms of five (5) years each. Trustees elected from single  
771 member election districts as provided above shall otherwise be  
772 elected as provided for in Sections 37-7-223 through 37-7-229.  
773 All members of the \* \* \*~~said~~ board of trustees shall take office  
774 on the first Monday of January following the date of their  
775 election. All vacancies which may occur during a term shall be  
776 filled by appointment of the consolidated school district  
777 trustees, but the person so appointed shall serve only until the  
778 next general election following \* \* \*~~such~~ the appointment, at  
779 which time a person shall be elected for the remainder of the  
780 unexpired term at the same time and in the same manner as a  
781 trustee is elected for the full term then expiring. The person so  
782 elected to the unexpired term shall take office  
783 immediately. \* \* \*~~Said~~ The appointee shall be selected from the  
784 qualified electors of the district in which the vacancy occurs.  
785 In the event the school district is under conservatorship and no  
786 members of the board of trustees remain in office, the Governor  
787 shall call a special election to fill the vacancies and  
788 the \* \* \*~~said~~ election will be conducted by the county election  
789 commission.

790 (2) All school districts reconstituted and created under the  
791 provisions of Article 1 of this chapter, which embrace territory  
792 in two (2) or more counties, but not including municipal separate  
793 school districts, shall be governed by a board of five (5)





794 trustees. In making the original appointments, the several county  
795 boards of education shall appoint the trustee or trustees to which  
796 the territory in such county is entitled, and, by agreement  
797 between the county boards concerned, one (1) person shall be  
798 appointed to serve until the first Saturday of March following,  
799 one (1) for one (1) year longer, one (1) for two (2) years longer,  
800 one (1) for three (3) years longer and one (1) for four (4) years  
801 longer. Thereafter, \* \* \*~~such~~ the trustees shall be elected as is  
802 provided for in Sections 37-7-223 through 37-7-229, for a term of  
803 five (5) years. The five (5) members of the board of trustees  
804 of \* \* \*~~such~~ the line consolidated school district shall be  
805 elected from special trustee election districts by the qualified  
806 electors thereof, as herein provided. The existing board of  
807 trustees of such line consolidated school district shall apportion  
808 the line consolidated school district into five (5) special  
809 trustee election districts. The board of trustees shall place  
810 upon its minutes the boundaries determined for the new five (5)  
811 trustee election districts. The board of trustees shall  
812 thereafter publish the \* \* \*~~same~~ boundaries in a newspaper of  
813 general circulation within \* \* \*~~said~~ the school district for at  
814 least three (3) consecutive weeks; and after having given notice  
815 of publication and recording the \* \* \*~~same~~ boundaries upon the  
816 minutes of the board of trustees, said new district lines shall  
817 thereafter be effective if the requirements of Section 1 of this  
818 act have been met. Provided, however, that in any line



819 consolidated school district encompassing two (2) or more counties  
820 created pursuant to Laws, 1953, Extraordinary Session, Chapter 12,  
821 Section 8, in which, as a condition precedent to the creation  
822 of \* \* \*~~said~~ the district, each county belonging thereto was  
823 contractually guaranteed to always have at least one (1)  
824 representative on \* \* \*~~said~~ the board, in order that \* \* \*~~said~~ the  
825 condition precedent may be honored and guaranteed, in any year in  
826 which the board of trustees of such line consolidated school  
827 district does not have at least one (1) member from each county or  
828 part thereof forming such district, the board of trustees in such  
829 district shall be governed by a board of a sufficient number of  
830 trustees to fulfill this guarantee, five (5) of whom shall be  
831 elected from the five (5) special trustee election districts which  
832 shall be as nearly equal as possible and one (1) member trustee  
833 appointed at large from each county not having representation on  
834 the elected board. In such cases, the board of supervisors of  
835 each county shall make written agreement to guarantee the manner  
836 of appointment of at least one (1) representative from each county  
837 in the district, placing such written agreement on the minutes of  
838 each board of supervisors in each county.

839 On the first Tuesday after the first Monday in November, in  
840 any year in which any line consolidated school district shall  
841 elect to utilize the authority to create single member election  
842 districts, an election shall be held in each such district in this  
843 state for the purpose of electing the board of trustees of such



844 district. At \* \* \*~~said~~ the election the member of the \* \* \*~~said~~  
845 board from District One shall be elected for a term of one (1)  
846 year, the member from District Two shall be elected for a term of  
847 two (2) years, the member from District Three shall be elected for  
848 a term of three (3) years, the member from District Four shall be  
849 elected for a term of four (4) years, and the member from District  
850 Five shall be elected for a term of five (5) years. Thereafter,  
851 members shall be elected at general elections as vacancies occur  
852 for terms of five (5) years each. Trustees elected from single  
853 member election districts as provided above shall otherwise be  
854 elected as provided for in Sections 37-7-223 through 37-7-229.  
855 All members of the \* \* \*~~said~~ board of trustees shall take office  
856 on the first Monday of January following the date of their  
857 election. In all elections, the trustee elected shall be a  
858 resident and qualified elector of the district entitled to the  
859 representation upon the board, and he shall be elected only by the  
860 qualified electors of such district. All vacancies which may  
861 occur during a term of office shall be filled by appointment of  
862 the consolidated line school district trustees, but the person so  
863 appointed shall serve only until the next general election  
864 following such appointment, at which time a person shall be  
865 elected for the remainder of the unexpired term at the same time  
866 and in the same manner as the trustee is elected for the full term  
867 then expiring. The person so elected to the unexpired term shall  
868 take office immediately. In the event the school district is



869 under conservatorship and no members of the board of trustees  
870 remain in office, the Governor shall call a special election to  
871 fill the vacancies and the \* \* \*~~said~~ election will be conducted by  
872 the county election commission.

873         **SECTION 13.** This act shall take effect and be in force from  
874 and after July 1, 2014.

