To: Accountability, Efficiency, Transparency; Elections

SENATE BILL NO. 2624

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

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

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

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

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

(c) "Election district" means the area comprised of one or more voting precincts to be represented by a single school board member, county supervisor, justice court judge, constable, city council person or alderperson.
(d) "Map" means a static representation of the geography contained within a precinct or election district.

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

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

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

(4) From and after October 1, 2014, no change to a precinct, polling place, or election district shall become effective until
such time as the maps and demographic reports have been posted on
the online directory for not less than sixty (60) days.

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

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

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

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

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

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

(d) In counties with a population, according to the
latest federal decennial census, of one hundred fifty thousand
(150,000) and more, there shall be five (5) justice court judges.
(2) The board of supervisors shall establish single member
election districts in the county for the election of each of the
justice court judges authorized and required to be elected for the
county under the provisions of subsection (1) of this section, and
one (1) justice court judge shall be elected for each district by
the electors thereof. In any county authorized and required under
the provisions of subsection (1)(a) of this section to provide for the election of two (2) justice court judges for
the county in which there are two (2) judicial districts, the
smaller of such judicial districts, according to population based
upon the latest federal decennial census, shall comprise or shall
be wholly encompassed within one (1) of such election districts.
Changes to the boundaries of election districts shall not become
effective until requirements of Section 1 of this act have been
met.

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

(4) Notwithstanding the foregoing provisions of this
section, in any county whose justice court districts drawn
pursuant to subsection (2) of this section are, on November 8,
1983, being controverted in a court action or being reviewed
pursuant to the procedure established by the Voting Rights Act of
1965, as amended and extended, those justice court judges serving on such date shall continue to hold office until:

(a) A final adjudication of the court action or approval of the new districts pursuant to the Voting Rights Act; and

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

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

19-3-1. (1) Each county shall be divided into five (5) districts, with due regard to equality of population and convenience of situation for the election of members of the boards of supervisors, but the districts as now existing shall continue until changed. The qualified electors of each district shall elect, at the next general election, and every four (4) years thereafter, in their districts one (1) member of the board of supervisors. Subject to the provisions of Section 23-15-285, the board, by a three-fifths (3/5) vote of all members elected, may change the districts, the boundaries to be entered at large in the minutes of the proceedings of the board. Provided, however, that such changed boundaries shall in as far as possible conform as to natural, visible artificial boundaries, such as streets, highways, railroads, rivers, lakes, bayous or other obvious lines of demarcation, except county lines and municipal corporate limits.
(2) If the boundaries of the districts are changed by order of the board of supervisors as provided in this section, the order shall be published in a newspaper having general circulation in the county once each week for three (3) consecutive weeks. Changes in the boundaries of the districts shall not become effective until the requirements of Section 1 of this act have been met.

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

21-7-7. (1) The governing body of any such municipality shall be a council, known and designated as such, consisting of seven (7) members. One (1) of the members shall be the mayor, having the qualifications as prescribed by Section 21-3-9, who shall have full rights, powers and privileges of other councilmen. The mayor shall be nominated and elected at large; the remaining councilmen shall be nominated and elected one (1) from each ward into which the city shall be divided. However, if the city be divided into less than six (6) wards, the remaining councilmen shall be nominated and elected at large. The councilmen, including the mayor, shall be elected for a term of four (4) years to serve until their successors are elected and qualified in accordance with the provisions of Section 21-11-7, * * * said the term commencing on the first Monday of January after the municipal election first following the adoption of the form of government as provided by this chapter.
(2) In cases in which the municipality has been divided into
wards for election purposes, changes in ward boundaries shall not
become effective until the requirements of Section 1 of this act
have been met.

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

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

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

(2) Except as otherwise provided in subsection (4) of this
section, the mayor and council members shall be elected by the
voters of the municipality at a regular municipal election held on
the first Tuesday after the first Monday in June as provided in
Section 21-11-7, and shall serve for a term of four (4) years
beginning on the first day of July next following the election that is not on a weekend.

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

(4) (a) The council shall consist of five (5), seven (7) or nine (9) members. In the event there are five (5) council members, the municipality shall be divided into either five (5) or four (4) wards. In the event there are seven (7) council members, the municipality shall be divided into either seven (7), six (6) or five (5) wards. In the event there are nine (9) council members, the municipality shall be divided into seven (7) or nine (9) wards. If the municipality is divided into fewer wards than it has council members, the other council member or members shall be elected from the municipality at large. The total number of council members and the number of council members elected from wards shall be established by the petition or petitions presented pursuant to Section 21-8-3. One (1) council member shall be elected from each ward by the voters of that ward. Council members elected to represent wards must be residents of their wards at the time of qualification for election, and any council member who removes the member's residence from the municipality or from the ward from which elected shall vacate that office. However, any candidate for council member who is properly
qualified as a candidate under applicable law shall be deemed to
be qualified as a candidate in whatever ward the member resides if
the ward has changed after the council has redistricted the
township as provided in paragraph (c)(ii) of this subsection
(4), and if the wards have been so changed, any person may qualify
as a candidate for council member, using the person's existing
residence or by changing the person's residence, not less than
fifteen (15) days before the first party primary or special party
primary, as the case may be, notwithstanding any other residency
or qualification requirements to the contrary.

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

(c) (i) It shall be the mandatory duty of the council
to redistrict the township by ordinance, which ordinance may
not be vetoed by the mayor, within six (6) months after the
official publication by the United States of the population of the
municipality as enumerated in each decennial census, and within
six (6) months after the effective date of any expansion of
municipal boundaries; however, if the publication of the most
recent decennial census or effective date of an expansion of the
municipal boundaries occurs six (6) months or more before the
first party primary of a general municipal election, then the
council shall redistrict the municipality by ordinance not less
than sixty (60) days before the first party primary.

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

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

(d) If annexation of additional territory into the
municipal corporate limits of the municipality occurs less than
six (6) months before the first party primary of a general
municipal election, the council shall, by ordinance adopted within
three (3) days of the effective date of the annexation, assign the
annexed territory to an adjacent ward or wards so as to maintain
as nearly as possible substantial equality of population between wards; any subsequent redistricting of the municipality by ordinance as required by this chapter shall not serve as the basis for representation until the next regularly scheduled election for municipal council members.

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

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

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

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

(b) Any city with a larger or smaller number of councilmen, prior to September 30, 1962, may retain this larger or...
smaller number of councilmen or may adopt the council size of five (5) as prescribed * * * herein in this section. This option shall be exercised through the enactment of an appropriate ordinance by the municipal governing body prior to the election to adopt the council-manager plan of government. In the event the council fails to exercise this option, the council shall consist of five (5) councilmen.

(c) At the next regular municipal election which takes place after the adoption of the council-manager form of government, the mayor shall be elected at large by the voters of the entire city. * * * Also, the councilmen shall be elected at large by the voters of the entire city to represent a city-wide district, or each of four (4) councilmen may be elected from a ward to represent such ward and one (1) councilman may be elected to represent a city-wide district. This option shall be exercised by an appropriate ordinance enacted by the city governing body prior to the election to adopt the council-manager plan of government. In the event the council fails to exercise this option, the councilmen shall be elected at large to represent the city-wide district. In its discretion at any time after adoption and implementation of the council-manager plan of government, the council may provide for the election of councilmen by wards as provided * * * herein in this section, which shall become effective at the next regularly scheduled election for city councilmen.
(d) Councilmen elected to represent wards must be residents of their wards; and in cities having more or fewer than five (5) councilmen, prior to September 30, 1962, the city governing body shall determine the number of councilmen to represent the wards and the number of councilmen to represent the city-wide district.

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

(2) After publication of the population of the municipality according to the 1980 decennial census, the governing authorities of the municipality shall designate the geographical boundaries of new wards as provided in this subsection. Each
ward shall contain as nearly as possible the population factor
obtained by dividing by four (4) the city's population as shown by
the 1980 and each most recent decennial census thereafter. It
shall be the mandatory duty of the council to redistrict the city
by ordinance, which ordinance may not be vetoed by the mayor,
within six (6) months after the official publication by the United
States of the population of the city as enumerated in each
decennial census, and within six (6) months after the effective
date of any expansion of municipal boundaries; * * * provided,
however, if the publication of the most recent decennial census or
effective date of an expansion of the municipal boundaries occurs
six (6) months or more prior to the first primary of a general
municipal election, then the council shall redistrict the city by
ordinance within at least sixty (60) days of such first primary.
If the publication of the most recent decennial census occurs less
than six (6) months prior to the first primary of a general
municipal election, the election shall be held with regard to
currently defined wards; and reapportioned wards based on the
census shall not serve as the basis for representation until the
next regularly scheduled election in which council members shall
be elected. If annexation of additional territory into the
municipal corporate limits of the city shall occur less than six
(6) months prior to the first primary of a general municipal
election, the city council shall, by ordinance adopted within
three (3) days of the effective date of such annexation, assign
such annexed territory to an adjacent ward or wards so as to maintain as nearly as possible substantial equality of population between wards. Any subsequent redistricting of the city by ordinance as required by this section shall not serve as the basis for representation until the next regularly scheduled election for city councilmen. Any redistricting made under this subsection shall not become effective until the requirements of Section 1 of this act have been met.

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

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

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

(b) At the next regular municipal election which takes place after the adoption of the council-manager form of government, the mayor shall be elected at large by the voters of the entire municipality. The municipality shall be divided into five (5) wards with one (1) councilman to be elected from each ward by the voters of that ward, and three (3) councilmen to be elected from the municipality at large. Councilmen elected to represent wards must be residents of their wards at the time of qualification for election, and any councilman who removes his residence from the city or from the ward from which he was elected shall vacate his office.
(c) It shall be the duty of the municipal governing body existing at the time of the adoption of the council-manager form of government to designate the geographical boundaries of the five (5) wards within sixty (60) days after the election in which the council-manager form is selected. In designating the geographical boundaries of the five (5) wards, each ward shall contain as nearly as possible the population factor obtained by dividing by five (5) the city's population as shown by the most recent decennial census. It shall be the mandatory duty of the council to redistrict the city by ordinance, which ordinance may not be vetoed by the mayor, within six (6) months after the official publication by the United States of the population of the city as enumerated in each decennial census, and within six (6) months after the effective date of any expansion of municipal boundaries; however, if the publication of the most recent decennial census or effective date of an expansion of the municipal boundaries occurs six (6) months or more prior to the first primary of a general municipal election, then the council shall redistrict the city by ordinance within at least sixty (60) days of such first primary. If the publication of the most recent decennial census occurs less than six (6) months prior to the first primary of a general municipal election, the election shall be held with regard to currently defined wards; and reapportioned wards based on the census shall not serve as the basis for representation until the next regularly scheduled election in
which city councilmen shall be elected. If annexation of additional territory into the municipal corporate limits of the city shall occur less than six (6) months prior to the first primary of a general municipal election, the city council shall, by ordinance adopted within three (3) days of the effective date of such annexation, assign such annexed territory to an adjacent ward or wards so as to maintain as nearly as possible substantial equality of population between wards; any subsequent redistricting of the city by ordinance as required by this section shall not serve as the basis for representation until the next regularly scheduled election for city councilmen. Any designation of the geographical boundaries of wards or any redistricting made under this subsection shall not become effective until the requirements of Section 1 of this act have been met.

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

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

21-9-59. The council is authorized to provide by ordinance for the division of the wards, or if there be no wards, for the
division of the municipality, into such number of voting precincts
as may be necessary, each as nearly as possible containing the
same number of qualified electors. The division of the
municipality into wards and voting precincts shall not become
effective until the requirements of Section 1 of this act have
been met.

amended as follows:

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

(2) No voting precinct shall have more than five hundred
(500) qualified electors residing in its boundaries. Subject to
the provisions of this section, each board of supervisors of the
various counties of this state shall as soon as practical after
the effective date of this section, alter or change the boundaries
of the various voting precincts to comply with this section and shall from time to time make such changes in the
boundaries of voting precincts so that there shall never be more
than five hundred (500) qualified electors within the boundaries
of the various voting precincts of this state; provided further however, this limitation shall not apply to voting
precincts that are so divided, alphabetically or otherwise, so as
to have less than five hundred (500) qualified electors in any one
(1) box within a voting precinct. However, the limitation
of five hundred (500) qualified electors to the voting precinct
shall not apply to voting precincts in which voting machines are
used at all elections held in that voting precinct. No change in
any supervisors district or voting precinct shall take effect less
than thirty (30) days before the qualifying deadline for the
office of county supervisor. If the change is required to be
precleared under Section 5 of the Voting Rights Act of
1965, any and the change in any boundary of a supervisors
district or voting precinct that is approved precleared
under the Voting Rights Act of 1965 less than thirty (30) days
before such the qualifying deadline, the change shall be
effective only for an election for county supervisor held in a
year following the year in which such the change
is approved precleared under the Voting Rights Act of
1965. Provided, however, that, With the exception of
county lines and municipal corporate limits, * * *such altered
boundaries shall conform to visible natural or artificial
boundaries such as streets, highways, railroads, rivers, lakes,
bayous or other obvious lines of demarcation.

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

amended as follows:

23-15-557. The governing authorities of any municipality
within the State of Mississippi are * * *hereby* authorized and
empowered, in their discretion, to divide the municipality into a
sufficient number of voting precincts of such size and location as
is necessary, and there shall be the same number of polling
places. The authority conducting an election shall not be
required, however, to establish a polling place in each
of * * *said the precincts, but * * *such the election
authorities, whether in a primary or in a general election, may
locate and establish * * *such the polling places, without regard
to precinct lines, in such manner as in the discretion
of * * *such the authority will better accommodate the electorate
and better facilitate the holding of the election. *Precinct*
boundaries and polling places established pursuant to this section
shall not become effective until the requirements of Section 1 of
this act have been met.
SECTION 10. Section 37-5-1, Mississippi Code of 1972, is amended as follows:

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

(2) The county board of education shall apportion the county school district into five (5) single member board of education districts. The county board of education shall place upon its minutes the boundaries determined for the new five (5) board of education districts. The board of education of * * *said the county shall thereafter publish the * * *same boundaries in some newspaper of general circulation within said county for at least three (3) consecutive weeks and after having given notice of publication and recording the * * *same them upon the minutes of the board of education of * * *said the county, * * * said the new district lines will thereafter be effective; however, any redistricting made under this subsection shall not become effective until the requirements of Section 1 of this act have been met. The board of education of * * *said the county shall
reapportion the board of education districts in accordance with
the procedure described **herein in this section** for the
original apportionment of districts as soon as practicable after
the results of the 2000 decennial census are published and as soon
as practicable after every decennial census thereafter.

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

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

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

In the event the added territory of a municipal separate school district in a county in which Mississippi Highways 8 and 15 intersect furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then the five (5) members of the board of trustees of such school district shall be elected at large from such school district for a term of five (5) years each except that the two (2) elected trustees presently serving on such board shall continue to serve for their respective terms of office. The three (3) appointed trustees presently serving on such board shall continue to serve until their successors are elected in March of 1975 in the manner provided for in Section 37-7-215. At such election, one (1) trustee shall be elected for a term of two (2) years, one (1) for a term of three (3) years and one (1) for a term of five (5) years. Subsequent terms for each successor trustee shall be for five (5) years. In the event one (1) of two (2) municipal separate school districts located in any county with two (2) judicial districts, District 1 being comprised of Supervisors Districts 1, 2, 4 and 5, and District 2 being comprised of Supervisors District 3, with added territory embraces three (3) full supervisors districts of a county, one (1) trustee shall be elected from each of the three (3) supervisors districts outside the corporate limits of the municipality. In the further event that the territory of a
municipal separate school district located in any county with two
(2) judicial districts, District 1 being comprised of Supervisors
Districts 1, 2, 4 and 5, and District 2 being comprised of
Supervisors District 3, with added territory embraces four (4)
full supervisors districts in the county, and in any county in
which a municipal separate school district embraces the entire
county in which Highways 14 and 15 intersect, one (1) trustee
shall be elected from each supervisors district.

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

In the event that a portion of a county school district is
reconstituted, in the manner provided by law, into a municipal
separate school district with added territory and in the event
that the trustees to be elected from the added territory are requested to be elected from separate election districts within the added territory, instead of elected at large, by the Attorney General of the United States as a result of and pursuant to preclearance under Section 5 of the Voting Rights Act of 1965, as amended and extended, and in the event the added territory of a municipal separate school district of a municipality furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then two (2) members of the board of trustees shall be residents of the added territory outside the corporate limits of such municipality and shall be elected from special trustee election districts by the qualified electors thereof as herein provided. The board of trustees of the school district shall apportion the added territory into two (2) special trustee election districts as nearly as possible according to population and other factors heretofore pronounced by the courts. The board of trustees of the school district shall thereafter publish the *same district* in a newspaper of general circulation within that school district for at least two (2) consecutive weeks; and after having given notice of publication and recording the *same districts* upon the minutes of the board of trustees of the school district, the new district lines shall thereafter be effective if the requirements of Section 1 of this act have been met. Any person elected from the new trustee election districts constituted herein shall be elected in the manner provided for in
Section 37-7-215 for a term of five (5) years. Any vacancy in the office of a trustee elected from such trustee election district, whether occasioned by redistricting or by other cause, shall be filled by appointment of the governing authorities of the municipality, provided that the person so appointed shall serve only until the next general election following his appointment, at which time a person shall be elected for the remainder of the unexpired term in the manner provided in Section 37-7-215.

In any county organizing a countywide municipal separate school district after January 1, 1965, the trustees thereof to be elected from outside the municipality, such trustees shall be elected by the board of supervisors of such county, and the superintendent of such school district shall have authority to pay out and distribute the funds of the district. In the event a municipal separate school district should occupy territory in a county other than that in which the municipality is located and fifteen percent (15%) or more of the pupils enrolled in the schools of such district shall come from the territory of the district in the county other than that in which the municipality is located, the territory of such the county in which the municipality is not located shall be entitled to one (1) member on the board of trustees of such the school district. The trustee shall be a resident of the territory of that part of the district lying in the county in which the municipality is not located and shall be elected by the qualified electors of the
territory of such the county at the same time and in the same manner as is provided for the election of trustees of school districts other than municipal separate school districts having territory in two (2) or more counties.

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

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

(2) In counties of less than fifteen thousand (15,000) people having a municipal separate school district with added territory which embraces all the territory of a county, one or more trustees of the school district shall be nominated from each supervisors district upon petition of fifty (50) qualified electors of that supervisors district, or twenty percent (20%) of
the qualified electors of such district, whichever number shall be smaller. One (1) trustee must be elected from each supervisors district of the county. In such counties embraced entirely by a municipal separate school district, there shall be no county board of education after the formation of such district, and the county superintendent of education shall act as superintendent of schools of the district and shall be appointed by the board of trustees of that district, and the provisions of subsection (1) of this section and the first paragraph of Section 37-7-211 shall not apply to such districts.

(3) In municipalities designated as having a mayor-council form of government under Chapter 8, Title 21, Mississippi Code of 1972, and having a population in excess of one hundred thousand (100,000) according to the 2000 decennial census, the boards of trustees of the municipal separate school district located in the municipality may, if authorized by ordinance of the municipal governing authority, consist of seven (7) members residing in each of the seven (7) wards in the municipality, to be appointed by the mayor and confirmed by the city council as follows: (a) each board member shall reside in the ward from which he is appointed; (b) members serving on March 31, 2010, shall continue to serve until a new term commences and new members shall be selected from wards not currently represented on the board; (c) one (1) of the two (2) additional appointments shall serve a term of five (5) years and one (1) for a term of four (4) years, with all
subsequent appointments for a five-year term; and (d) each new appointment shall be made by the mayor and confirmed by the city council of the municipality at the first meeting of the governing authorities held in the month of June following March 31, 2010, and thereafter each year, and the term of office of each member so selected shall commence on the first Saturday of July following.

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

37-7-207. (1) All school districts reconstituted or created under the provisions of Article 1 of this chapter, and which lie wholly within one (1) county, but not including municipal separate and countywide districts, shall be governed by a board of five (5) trustees. The first board of trustees of such districts shall be appointed by the county board of education, and the original appointments shall be so made that one (1) trustee shall be appointed to serve until the first Saturday of March following such appointments, one (1) for one (1) year longer, one (1) for two (2) years longer, one (1) for three (3) years longer, and one (1) for four (4) years longer. After such original appointments, the trustees of such school districts shall be elected by the qualified electors of such school districts in the manner provided for in Sections 37-7-223 through 37-7-229, with each trustee to be elected for a term of five (5) years. The five (5) members of the board of trustees of such consolidated school district shall be elected from special trustee election districts by the qualified
electors thereof, as herein provided in this section. The board of trustees of any such consolidated school district shall apportion the consolidated school district into five (5) special trustee election districts. The board of trustees of such school district shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The board of trustees shall thereafter publish the same boundaries in a newspaper of general circulation within said school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same upon the minutes of the board of trustees, said new district lines shall thereafter be effective if the requirements of Section 1 of this act have been met.

On the first Tuesday after the first Monday in November, in any year in which any consolidated school district shall elect to utilize the authority to create single member election districts, an election shall be held in each such district in this state for the purpose of electing the board of trustees of such the district. At said the election the member of the said board from District One shall be elected for a term of one (1) year, the member from District Two shall be elected for a term of two (2) years, the member from District Three shall be elected for a term of three (3) years, the member from District Four shall be elected for a term of four (4) years, and the member from District Five shall be elected for a term of five (5) years. Thereafter,
members shall be elected at general elections as vacancies occur for terms of five (5) years each. Trustees elected from single member election districts as provided above shall otherwise be elected as provided for in Sections 37-7-223 through 37-7-229. All members of the **said** board of trustees shall take office on the first Monday of January following the date of their election. All vacancies which may occur during a term shall be filled by appointment of the consolidated school district trustees, but the person so appointed shall serve only until the next general election following **such** appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as a trustee is elected for the full term then expiring. The person so elected to the unexpired term shall take office immediately. **Said** The appointee shall be selected from the qualified electors of the district in which the vacancy occurs. In the event the school district is under conservatorship and no members of the board of trustees remain in office, the Governor shall call a special election to fill the vacancies and the **said** election will be conducted by the county election commission.

(2) All school districts reconstituted and created under the provisions of Article 1 of this chapter, which embrace territory in two (2) or more counties, but not including municipal separate school districts, shall be governed by a board of five (5)
trustees. In making the original appointments, the several county boards of education shall appoint the trustee or trustees to which the territory in such county is entitled, and, by agreement between the county boards concerned, one (1) person shall be appointed to serve until the first Saturday of March following, one (1) for one (1) year longer, one (1) for two (2) years longer, one (1) for three (3) years longer and one (1) for four (4) years longer. Thereafter, such the trustees shall be elected as is provided for in Sections 37-7-223 through 37-7-229, for a term of five (5) years. The five (5) members of the board of trustees of such the line consolidated school district shall be elected from special trustee election districts by the qualified electors thereof, as herein provided. The existing board of trustees of such line consolidated school district shall apportion the line consolidated school district into five (5) special trustee election districts. The board of trustees shall place upon its minutes the boundaries determined for the new five (5) trustee election districts. The board of trustees shall thereafter publish the same boundaries in a newspaper of general circulation within said the school district for at least three (3) consecutive weeks; and after having given notice of publication and recording the same boundaries upon the minutes of the board of trustees, said new district lines shall thereafter be effective if the requirements of Section 1 of this act have been met. Provided, however, that in any line
consolidated school district encompassing two (2) or more counties created pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section 8, in which, as a condition precedent to the creation of * * *said the district, each county belonging thereto was contractually guaranteed to always have at least one (1) representative on * * *said the board, in order that * * *said the condition precedent may be honored and guaranteed, in any year in which the board of trustees of such line consolidated school district does not have at least one (1) member from each county or part thereof forming such district, the board of trustees in such district shall be governed by a board of a sufficient number of trustees to fulfill this guarantee, five (5) of whom shall be elected from the five (5) special trustee election districts which shall be as nearly equal as possible and one (1) member trustee appointed at large from each county not having representation on the elected board. In such cases, the board of supervisors of each county shall make written agreement to guarantee the manner of appointment of at least one (1) representative from each county in the district, placing such written agreement on the minutes of each board of supervisors in each county.

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

All members of the said board of trustees shall take office on the first Monday of January following the date of their election. In all elections, the trustee elected shall be a resident and qualified elector of the district entitled to the representation upon the board, and he shall be elected only by the qualified electors of such district. All vacancies which may occur during a term of office shall be filled by appointment of the consolidated line school district trustees, but the person so appointed shall serve only until the next general election following such appointment, at which time a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as the trustee is elected for the full term then expiring. The person so elected to the unexpired term shall take office immediately. In the event the school district is
under conservatorship and no members of the board of trustees remain in office, the Governor shall call a special election to fill the vacancies and the * * *said election will be conducted by the county election commission.

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