

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2687

1 AN ACT TO PROVIDE THAT AT THE ELECTION IN 2027, AND EVERY
 2 FOUR YEARS THEREAFTER, THERE SHALL BE ELECTED THE MEMBERS OF ANY
 3 SCHOOL BOARD ESTABLISHED IN TITLE 37, MISSISSIPPI CODE OF 1972,
 4 THAT ELECTS ITS MEMBERS AS OF JULY 1, 2024; TO REQUIRE SUCH
 5 ELECTIONS BE HELD AT THE SAME TIME AND IN THE SAME MANNER AS
 6 GENERAL ELECTIONS ARE HELD; TO PROVIDE THAT SUCH MEMBERS SHALL
 7 SERVE A TERM OF FOUR YEARS; TO ESTABLISH THAT THE ACT SHALL APPLY
 8 TO ANY SCHOOL BOARD THAT PREVIOUSLY WAS ESTABLISHED WITH MEMBERS
 9 WHO SERVED STAGGERED TERMS; TO AMEND SECTIONS 23-15-193, 37-5-7,
 10 37-5-18, 37-7-204, 37-7-207, 37-7-209, 37-7-215, 37-7-221,
 11 37-7-223, 37-7-707 AND 37-7-713, MISSISSIPPI CODE OF 1972, TO
 12 CONFORM TO THE PROVISIONS OF THE ACT; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** At the election in 2027, and every four (4) years
 15 thereafter, there shall be elected the members of any school board
 16 established in Title 37, Mississippi Code of 1972; provided,
 17 however, that this provision shall only apply to the school boards
 18 that elect its members as of July 1, 2024. Such election shall be
 19 held at the same time and in the same manner as general elections
 20 are held in accordance with Section 23-15-193. Such members shall
 21 serve a term of four (4) years. The provisions of this section
 22 shall also apply to any school board that previously was
 23 established with members who served staggered terms. The



24 provisions of this section shall not apply to any school board
25 that appoints its members.

26 **SECTION 2.** Section 23-15-193, Mississippi Code of 1972, is
27 amended as follows:

28 23-15-193. (1) At the election in 2023, and every four (4)
29 years thereafter, there shall be elected a Governor, Lieutenant
30 Governor, Secretary of State, Auditor of Public Accounts, State
31 Treasurer, Attorney General, three (3) public service
32 commissioners, three (3) Mississippi Transportation Commissioners,
33 Commissioner of Insurance, Commissioner of Agriculture and
34 Commerce, Senators and members of the House of Representatives in
35 the Legislature, district attorneys for the several districts,
36 clerks of the circuit and chancery courts of the several counties,
37 as well as sheriffs, coroners, assessors, surveyors and members of
38 the boards of supervisors, justice court judges and constables,
39 members of any school board in accordance with Section 1 of this
40 act, and all other officers to be elected by the people at the
41 general state election. All such officers shall hold their
42 offices for a term of four (4) years, and until their successors
43 are elected and qualified. The state officers shall be elected in
44 the manner prescribed in Section 140 of the Constitution.

45 (2) The state officers that receive a majority of votes cast
46 for the office at the general election shall be elected. If no
47 candidate receives a majority number of votes cast at the
48 election, then the two (2) candidates who receive the highest



49 number of votes cast shall have their names placed on the ballot
50 for the runoff election to be held three (3) weeks later. The
51 candidate who receives a majority of the votes cast in the runoff
52 election shall be elected. However, if no candidate receives a
53 majority vote cast at the election, and there is a tie in the
54 election of those receiving the next highest vote, then those
55 candidates receiving the next highest vote and the candidate
56 receiving the highest number of votes cast shall have their names
57 placed on the ballot for the runoff election to be held three (3)
58 weeks later, and whoever receives the majority of votes cast in
59 the runoff election shall be elected. If it appears that two (2)
60 or more candidates for state office have an equal number of votes
61 after the runoff election, the interested candidates shall appear
62 before the Chief Justice of the Mississippi Supreme Court within
63 two (2) days after the canvass and the tie shall be determined by
64 a toss of a coin or by lot fairly and publicly drawn, and a
65 certificate of election shall be given accordingly.

66 **SECTION 3.** Section 37-5-7, Mississippi Code of 1972, is
67 amended as follows:

68 37-5-7. (1) * * * All members of the board shall be elected
69 for a term of * * * four (4) years at the regular general election
70 held * * * in accordance with Section 1 of this act. All members
71 of the county board of education as herein constituted, shall take
72 office on the first Monday of January following the date of their
73 election.



74 * * *

75 (* * *2) (a) Current members of the Board of Trustees of
76 the Greenwood Public School District serving on November 1, 2017,
77 shall continue in office as the new County Board of Education of
78 the Greenwood-Leflore School District until their successors are
79 elected as follows:

80 (i) The two (2) appointed board members of the
81 Greenwood Public School District whose terms are nearest to
82 expiration shall expire on January 1, 2019, and thereafter become
83 permanently elected positions to be filled by persons elected as
84 board members from Supervisors Districts 2 and 3 in a November
85 2018 election held for that purpose, in the manner prescribed in
86 Section 37-7-203, and the newly elected members will take office
87 on January 1, 2019, for a term of four (4) years;

88 (ii) The final two (2) appointed board members of
89 the Greenwood Public School District whose terms are the farthest
90 removed from expiration shall expire on January 1, 2020, and
91 thereafter become permanently elected positions to be filled by
92 persons elected as board members from Supervisors Districts 4 and
93 5 in a November 2019 election held for that purpose, in the manner
94 prescribed in Section 37-7-203, and the newly elected members will
95 take office on January 1, 2020, for a term of four (4) years; and

96 (iii) One (1) appointed board member of the
97 Greenwood Public School District whose term is next nearest to
98 expiration shall expire on January 1, 2021, and thereafter become



99 a permanently elected position to be filled by a person elected as
100 a board member from Supervisors District 1 in a November 2020
101 election held for that purpose, in the manner prescribed in
102 Section 37-7-203, and the newly elected members will take office
103 on January 1, 2021, for a term of four (4) years.

104 (b) All subsequent members shall be elected for a term
105 of four (4) years at the regular general election held * * * in
106 accordance with Section 1 of this act, and shall take office on
107 January 1 next succeeding the election.

108 (4) On the first Tuesday after the first Monday in November
109 2017, an election shall be held in Holmes County for the purpose
110 of electing the county board of education in the new Holmes County
111 Consolidated School District. At the election, the members of the
112 said county board of education shall be elected from single member
113 board of education districts, which shall be consistent with the
114 supervisors district lines in the county, and shall be elected for
115 an initial term of six (6) years. Subsequent elections for the
116 Holmes County Board of Education shall be held * * * in accordance
117 with Section 1 of this act. All members of the county board of
118 education in the new Holmes County Consolidated School District
119 shall take office on the first Monday of January following the
120 date of their election.

121 (5) On the first Tuesday after the first Monday in November
122 2023, an election shall be held in Chickasaw County for the
123 purpose of electing the county board of education in the new



124 Chickasaw County School District. The board of supervisors shall
125 declare and designate posts for each member of the new board. At
126 said election, the members of the said county board of education
127 from Posts One and Two shall be elected for a term of four (4)
128 years, the members from Posts Three and Four shall be elected for
129 a term of three (3) years and the member from Post Five shall be
130 elected for a term of two (2) years. Thereafter, members shall be
131 elected at general elections * * * in accordance with Section 1 of
132 this act. All members of the county board of education in the new
133 Chickasaw County School District shall take office on the first
134 Monday of January following the date of their election.

135 **SECTION 4.** Section 37-5-18, Mississippi Code of 1972, is
136 amended as follows:

137 37-5-18. In any county bordering on the Mississippi Sound
138 and having therein at least four (4) municipal separate school
139 districts, each member of the county board of education
140 established by Section 37-5-1 for such county shall be elected
141 from and shall be a resident and qualified elector in a special
142 district determined in the following manner:

143 The board of education of such a county shall apportion the
144 county into five (5) board of education districts in the territory
145 outside the municipal separate school districts and these board of
146 education districts shall be divided as nearly equal as possible
147 according to population, incumbency and other factors heretofore
148 pronounced by the courts. The board of education shall place upon



149 its minutes the boundaries determined for the new five (5) board
150 of education districts. The board of education of said county
151 shall thereafter publish the same in some newspaper of general
152 circulation within said county for at least three (3) consecutive
153 weeks and after having given notice of publication and recording
154 the same upon the minutes of the board of education of said
155 county, said new district lines will thereafter be effective.

156 All incumbents now holding office within the district as
157 presently constituted shall continue holding their respective
158 offices provided they reside within the new district for the
159 remainder of the term of office to which they have heretofore been
160 elected and all members from the respective district shall be
161 elected from the new board of education district constituted as
162 herein provided in the same manner provided by law for the
163 election of members of the county board of education. Any
164 vacancies in the office, whether occasioned by redistricting or by
165 other cause, shall be filled in the manner presently provided by
166 law for the filling of vacancies.

167 The provisions of this section shall be subject to Section 1
168 of this act.

169 **SECTION 5.** Section 37-7-204, Mississippi Code of 1972, is
170 amended as follows:

171 37-7-204. In the event that a vacancy occurs in the office
172 of any elected trustee of a countywide municipal separate school
173 district, and the next regular school board election at which the



174 vacancy may be filled is less than one (1) year from the date of
175 the resignation, the school board of the district may, in its
176 discretion, take action to appoint an interim board member to fill
177 the vacancy until a duly qualified successor takes office. The
178 interim board member shall serve until such time as the successor
179 board member is duly elected to fill the unexpired term, pursuant
180 to an election held * * * in accordance with Section 1 of this
181 act.

182 **SECTION 6.** Section 37-7-207, Mississippi Code of 1972, is
183 amended as follows:

184 37-7-207. (1) All school districts reconstituted or created
185 under the provisions of Article 1 of this chapter, and which lie
186 wholly within one (1) county, but not including municipal separate
187 and countywide districts, shall be governed by a board of five (5)
188 trustees. The first board of trustees of such districts shall be
189 appointed by the county board of education, and the original
190 appointments shall be so made that one (1) trustee shall be
191 appointed to serve until the first Saturday of March following
192 such appointments, one (1) for one (1) year longer, one (1) for
193 two (2) years longer, one (1) for three (3) years longer, and one
194 (1) for four (4) years longer. After such original appointments,
195 the trustees of such school districts shall be elected by the
196 qualified electors of such school districts in the manner provided
197 for in Sections 37-7-223 through 37-7-229, with each trustee to be
198 elected for a term of * * * four (4) years. The five (5) members



199 of the board of trustees of such consolidated school district
200 shall be elected from special trustee election districts by the
201 qualified electors thereof, as herein provided. The board of
202 trustees of any such consolidated school district shall apportion
203 the consolidated school district into five (5) special trustee
204 election districts. The board of trustees of such school district
205 shall place upon its minutes the boundaries determined for the new
206 five (5) trustee election districts. The board of trustees shall
207 thereafter publish the same in a newspaper of general circulation
208 within said school district for at least three (3) consecutive
209 weeks; and after having given notice of publication and recording
210 the same upon the minutes of the board of trustees, said new
211 district lines shall thereafter be effective.

212 On the first Tuesday after the first Monday in November, in
213 any year in which any consolidated school district shall elect to
214 utilize the authority to create single member election districts,
215 an election shall be held in each such district in this state for
216 the purpose of electing the board of trustees of such district.
217 At said election the member of the said board from District One
218 shall be elected for a term of one (1) year, the member from
219 District Two shall be elected for a term of two (2) years, the
220 member from District Three shall be elected for a term of three
221 (3) years, the member from District Four shall be elected for a
222 term of four (4) years, and the member from District Five shall be
223 elected for a term of five (5) years. Thereafter, members shall



224 be elected at general elections as vacancies occur for terms
225 of * * * four (4) years each. Trustees elected from single member
226 election districts as provided above shall otherwise be elected as
227 provided for in Sections 37-7-223 through 37-7-229. All members
228 of the said board of trustees shall take office on the first
229 Monday of January following the date of their election. All
230 vacancies which may occur during a term shall be filled by
231 appointment of the consolidated school district trustees, but the
232 person so appointed shall serve only until the next general
233 election following such appointment, at which time a person shall
234 be elected for the remainder of the unexpired term at the same
235 time and in the same manner as a trustee is elected for the full
236 term then expiring. The person so elected to the unexpired term
237 shall take office immediately. Said appointee shall be selected
238 from the qualified electors of the district in which the vacancy
239 occurs. In the event the school district is under conservatorship
240 and no members of the board of trustees remain in office, the
241 Governor shall call a special election to fill the vacancies and
242 the said election will be conducted by the county election
243 commission.

244 (2) All school districts reconstituted and created under the
245 provisions of Article 1 of this chapter, which embrace territory
246 in two (2) or more counties, but not including municipal separate
247 school districts, shall be governed by a board of five (5)
248 trustees. In making the original appointments, the several county



249 boards of education shall appoint the trustee or trustees to which
250 the territory in such county is entitled, and, by agreement
251 between the county boards concerned, one (1) person shall be
252 appointed to serve until the first Saturday of March following,
253 one (1) for one (1) year longer, one (1) for two (2) years longer,
254 one (1) for three (3) years longer and one (1) for four (4) years
255 longer. Thereafter, such trustees shall be elected as is provided
256 for in Sections 37-7-223 through 37-7-229, for a term of * * *
257 four (4) years. The five (5) members of the board of trustees of
258 such line consolidated school district shall be elected from
259 special trustee election districts by the qualified electors
260 thereof, as herein provided. The existing board of trustees of
261 such line consolidated school district shall apportion the line
262 consolidated school district into five (5) special trustee
263 election districts. The board of trustees shall place upon its
264 minutes the boundaries determined for the new five (5) trustee
265 election districts. The board of trustees shall thereafter
266 publish the same in a newspaper of general circulation within said
267 school district for at least three (3) consecutive weeks; and
268 after having given notice of publication and recording the same
269 upon the minutes of the board of trustees, said new district lines
270 shall thereafter be effective. Provided, however, that in any
271 line consolidated school district encompassing two (2) or more
272 counties created pursuant to Laws, 1953, Extraordinary Session,
273 Chapter 12, Section 8, in which, as a condition precedent to the



274 creation of said district, each county belonging thereto was
275 contractually guaranteed to always have at least one (1)
276 representative on said board, in order that said condition
277 precedent may be honored and guaranteed, in any year in which the
278 board of trustees of such line consolidated school district does
279 not have at least one (1) member from each county or part thereof
280 forming such district, the board of trustees in such district
281 shall be governed by a board of a sufficient number of trustees to
282 fulfill this guarantee, five (5) of whom shall be elected from the
283 five (5) special trustee election districts which shall be as
284 nearly equal as possible and one (1) member trustee appointed at
285 large from each county not having representation on the elected
286 board. In such cases, the board of supervisors of each county
287 shall make written agreement to guarantee the manner of
288 appointment of at least one (1) representative from each county in
289 the district, placing such written agreement on the minutes of
290 each board of supervisors in each county.

291 On the first Tuesday after the first Monday in November, in
292 any year in which any line consolidated school district shall
293 elect to utilize the authority to create single member election
294 districts, an election shall be held in each such district in this
295 state for the purpose of electing the board of trustees of such
296 district. At said election the member of the said board from
297 District One shall be elected for a term of one (1) year, the
298 member from District Two shall be elected for a term of two (2)



299 years, the member from District Three shall be elected for a term
300 of three (3) years, the member from District Four shall be elected
301 for a term of four (4) years, and the member from District Five
302 shall be elected for a term of five (5) years. Thereafter,
303 members shall be elected at general elections as vacancies occur
304 for terms of * * * four (4) years each. Trustees elected from
305 single member election districts as provided above shall otherwise
306 be elected as provided for in Sections 37-7-223 through 37-7-229.
307 All members of the said board of trustees shall take office on the
308 first Monday of January following the date of their election. In
309 all elections, the trustee elected shall be a resident and
310 qualified elector of the district entitled to the representation
311 upon the board, and he shall be elected only by the qualified
312 electors of such district. All vacancies which may occur during a
313 term of office shall be filled by appointment of the consolidated
314 line school district trustees, but the person so appointed shall
315 serve only until the next general election following such
316 appointment, at which time a person shall be elected for the
317 remainder of the unexpired term at the same time and in the same
318 manner as the trustee is elected for the full term then expiring.
319 The person so elected to the unexpired term shall take office
320 immediately. In the event the school district is under
321 conservatorship and no members of the board of trustees remain in
322 office, the Governor shall call a special election to fill the



323 vacancies and the said election will be conducted by the county
324 election commission.

325 **SECTION 7.** Section 37-7-209, Mississippi Code of 1972, is
326 amended as follows:

327 37-7-209. All elections of trustees who are elected under
328 the provisions of subsection (1) of Section 37-7-203 shall be held
329 and conducted in the manner and at the time provided for in * * *
330 Section 1 of this act.

331 **SECTION 8.** Section 37-7-215, Mississippi Code of 1972, is
332 amended as follows:

333 37-7-215. All such elections shall be held * * * in
334 accordance with Section 1 of this act. In the event a runoff is
335 necessary the runoff shall be held three (3) weeks thereafter.

336 **SECTION 9.** Section 37-7-221, Mississippi Code of 1972, is
337 amended as follows:

338 37-7-221. The election of consolidated or consolidated line
339 school district trustees shall be held in the manner provided for
340 in * * * Section 1 of this act.

341 **SECTION 10.** Section 37-7-223, Mississippi Code of 1972, is
342 amended as follows:

343 37-7-223. All elections of consolidated or consolidated line
344 school district trustees shall be held * * * in accordance with
345 Section 1 of this act.

346 **SECTION 11.** Section 37-7-707, Mississippi Code of 1972, is
347 amended as follows:



348 37-7-707. In all such special municipal separate school
349 districts which may be so organized, reorganized or reconstituted
350 to embrace the entire county in which the majority of the
351 inhabitants of the county reside outside the corporate limits of
352 the municipality, the board of trustees of such district shall be
353 composed of five (5) members, one (1) of whom shall be a resident
354 qualified elector of each supervisors district of the county.
355 Said trustees shall be elected from the county at large by the
356 qualified electors of the county at the first regular general
357 election following the approval by the State Educational Finance
358 Commission of the organization of such district. Such trustees
359 shall take office on the first Monday of January following their
360 election.

361 At such election the members of the said board from
362 Supervisors Districts One and Five shall be elected for a term of
363 six (6) years, the members from Districts Three and Four shall be
364 elected for a term of four (4) years, and the members from
365 District Two shall be elected for a term of two (2) years.
366 Thereafter members shall be elected at regular general
367 elections * * * in accordance with Section 1 of this act for terms
368 of * * * four (4) years each and shall take office on the first
369 Monday of January after their election.

370 **SECTION 12.** Section 37-7-713, Mississippi Code of 1972, is
371 amended as follows:



372 37-7-713. In all special municipal separate school districts
373 where the district embraces less than the entire area of the
374 county and where the majority of the educable children of such
375 district reside outside the limits of the municipality, unless the
376 governing authorities of the municipality and the county provide
377 for one (1) of the alternative methods of organization as set out
378 in Sections 37-7-715 and 37-7-717, the said special municipal
379 separate school district shall be governed by a board of trustees
380 consisting of five (5) members, to be elected by the qualified
381 electors of such municipal separate school district from the
382 district at large in the manner provided by Sections 37-7-209
383 through 37-7-219, and all duties imposed upon the county
384 superintendent of education by said sections with reference to
385 such elections shall be imposed upon and performed by the
386 superintendent of the municipal separate school district.
387 However, the first board of trustees of such special municipal
388 separate school district shall be appointed in the following
389 manner. The governing authorities of the municipality shall
390 appoint three (3) trustees, and such appointments shall be made so
391 that one (1) trustee shall be appointed to serve until the first
392 Saturday of March following such appointment, one (1) for two (2)
393 years longer, and one (1) for four (4) years longer. The board of
394 education of the county shall appoint two (2) trustees, such
395 appointments to be made so that one (1) trustee shall be appointed
396 to serve until the first Saturday of March of the second year



397 following such appointment, and one (1) trustee for two (2) years
398 longer. After such original appointments the trustees of such a
399 special municipal separate school district shall be elected for a
400 term of * * * four (4) years in accordance with Section 1 of this
401 act, as herein provided. All such members of said board of
402 trustees shall be residents and qualified electors of such school
403 district. All vacancies which may occur during a term of office
404 shall be filled by appointment by the remaining members of the
405 board of trustees, such appointee to have the same qualifications
406 as other members of the board. Such appointment shall be made
407 within thirty (30) days after the vacancy occurs. The person so
408 appointed shall serve only until his successor shall have
409 qualified. The successor to serve the remainder of the unexpired
410 term shall be elected on the first Saturday of March next
411 following the occurrence of such vacancy in the same manner as
412 provided for by Sections 37-7-209 through 37-7-219.

413 **SECTION 13.** This act shall take effect and be in force from
414 and after July 1, 2024.

