

By: Senator(s) Ladner

To: Education

## SENATE BILL NO. 2592

1 AN ACT TO ALTER THE SCHOOL DISTRICT BOUNDARIES LINES OF TWO  
2 SCHOOL DISTRICTS IMPACTED BY THE JOHN C. STENNIS SPACE CENTER  
3 BUFFER ZONE, TO RETURN THE AREA OF THE BUFFER ZONE TO THE SCHOOL  
4 DISTRICT OF THE COUNTY WHEREIN THE SPACE CENTER IS LOCATED; TO  
5 AMEND SECTIONS 37-7-103 AND 37-7-113, MISSISSIPPI CODE OF 1972, IN  
6 CONFORMITY TO THE PRECEDING PROVISIONS; TO AMEND SECTION 37-7-115,  
7 MISSISSIPPI CODE OF 1972, TO PROVIDE A COURSE OF JUDICIAL REVIEW  
8 FOR PARTIES AGGRIEVED BY THE ALTERATION OF THE SCHOOL DISTRICT  
9 BOUNDARY LINES; TO BRING FORWARD SECTIONS 37-7-201, 37-7-203,  
10 37-7-204, 37-7-207, 37-7-208, 37-7-209, 37-7-211, 37-7-215,  
11 37-7-217 AND 37-7-219, MISSISSIPPI CODE OF 1972, WHICH RELATE TO  
12 THE SELECTION, ELECTION AND QUALIFICATION OF SCHOOL BOARD MEMBERS  
13 AND OTHER RELATED PROVISIONS, FOR THE PURPOSE OF POSSIBLE  
14 AMENDMENT; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) Notwithstanding any other provision to the  
17 contrary, effective with the 2025-2026 school year, the two (2)  
18 school districts located within the region where Interstate 10 or  
19 Interstate 59 traverse portions of such school district  
20 jurisdictions, sharing county lines, and wherein such parameters,  
21 the John C. Stennis Space Center is located, and within which the  
22 school district boundaries of the municipal school district  
23 encompassing the established buffer zone for the space center  
24 extends into the county wherein the space center is officially



25 located, adjoins the county school district boundaries in the  
26 county where said municipal school district is not subject to the  
27 jurisdiction of the governing of the county into which its  
28 boundaries extend, shall be reestablished as prescribed in this  
29 section.

30 (2) (a) The municipal school district described in  
31 subsection (1) of this section whose school district boundaries,  
32 as of January 1, 2025, are more particularly defined as:

33 Following the North Boundary of:

34 Section 1, Township 8 South, Range 16 West

35 Section 2, Township 8 South, Range 16 West

36 Section 3, Township 8 South, Range 16 West

37 Section 4, Township 8 South, Range 16 West

38 Section 5, Township 8 South, Range 16 West

39 Section 6, Township 8 South, Range 16 West

40 Section 1, Township 8 South, Range 17 West

41 Section 2, Township 8 South, Range 17 West

42 shall, upon the effective date of this act, have the following  
43 coordinates established as its school district boundaries, being  
44 more particularly defined as:

45 Following the North Boundary of:

46 Section 24, Township 7 South, Range 16 West

47 Section 23, Township 7 South, Range 16 West

48 Section 22, Township 7 South, Range 16 West

49 Section 21, Township 7 South, Range 16 West



Section 20, Township 7 South, Range 16 West

Section 19, Township 7 South, Range 16 West

Section 24, Township 7 South, Range 17 West

Section 23, Township 7 South, Range 17 West

(b) The two (2) school districts described in Section 1 of this act, upon the effectuation of the school districts' boundaries alteration shall, as soon as practical thereafter, at any regular meeting thereof or at any special meeting called for that purpose, spread upon the minutes of each respective school board the official boundaries of said school districts as prescribed in paragraph (a) of this subsection (2).

**SECTION 2.** Section 37-7-103, Mississippi Code of 1972, is amended as follows:

37-7-103. \* \* \* Except as otherwise provided in Section 1 of this act, the school board of any school district shall have full jurisdiction, power and authority, at any regular meeting thereof or at any special meeting called for that purpose, to abolish such existing district, or to reorganize, change or alter the boundaries of any such district. In addition thereto, with the consent of the school board of the school district involved, the school board may add to such school district any part of the school district adjoining same, and with the consent of the school board of the school district involved, may detach territory from such school district and annex same to an adjoining district. Provided, however, that the consent of the school board of the



75 school districts involved in implementing the provisions of  
76 Section 37-7-104, 37-7-104.2, 37-7-104.3, 37-7-104.4, 37-7-104.5,  
77 37-7-104.6, 37-7-104.7 or 37-7-104.8 shall not be required for the  
78 administrative consolidation of such school districts pursuant to  
79 the order of the State Board of Education.

80       **SECTION 3.** Section 37-7-113, Mississippi Code of 1972, is  
81 amended as follows:

82       37-7-113. Notwithstanding any of the foregoing provisions,  
83 it is hereby expressly provided that no order of the school board  
84 reorganizing, abolishing or altering any school district, whether  
85 same be taken with or without a petition therefor, shall be final  
86 unless and until said proposed reorganization, alteration or  
87 abolition shall be submitted to and approved by the State Board of  
88 Education, except as otherwise provided in Section 1 of this act.

89 In the event the proposed action shall be disapproved by the State  
90 Board of Education, the same shall be void and of no effect. In  
91 the event of the filing of any petitions with the school board  
92 under the provisions of said sections, the school board shall  
93 verify same and make a determination of whether same are signed by  
94 the requisite number of qualified electors. The finding of the  
95 school board upon such question shall be final and conclusive for  
96 the purpose of the submission of said matter to the State Board of  
97 Education and the approval or disapproval of the action by said  
98 board.



99           **SECTION 4.** Section 37-7-115, Mississippi Code of 1972, is  
100 amended as follows:

101           37-7-115. (1) Any person aggrieved by an order of the  
102 school board adopted under any of the foregoing provisions may  
103 appeal therefrom within ten (10) days from the date of the  
104 adjournment of the meeting at which such order is entered. Said  
105 appeal shall be taken in the same manner as appeals are taken from  
106 judgments or decisions of the board of supervisors as provided in  
107 Section 11-51-75, Mississippi Code of 1972, the provisions of  
108 which shall be fully applicable to appeals taken hereunder. The  
109 State Board of Education shall not pass upon or approve or  
110 disapprove any such order until the time for an appeal therefrom  
111 shall have expired, nor shall said board pass upon or approve or  
112 disapprove any such order from which an appeal is taken until said  
113 appeal shall have been finally determined.

114           (2) (a) Any school board or superintendent of a school  
115 district affected and aggrieved by the boundary alteration  
116 prescribed in Section 1 of this act may petition for judicial  
117 review. The petition shall be filed in the circuit court of the  
118 county wherein the affected portion of the school district  
119 boundaries are located.

120           (b) The review by the circuit court shall be de novo  
121 and conduct a full evidentiary judicial hearing on all factual and  
122 legal issues raised by the affected school districts which address



123 the substantive or procedural propriety of the action to alter the  
124 school district boundaries.

125 (c) Any school board or school superintendent  
126 identified in paragraph (a) of this subsection aggrieved by the  
127 decision of the circuit court may appeal to the Mississippi  
128 Supreme Court.

129 **SECTION 5.** Section 37-7-201, Mississippi Code of 1972, is  
130 brought forward as follows:

131 37-7-201. In order for a person to be eligible to hold the  
132 office of trustee of any school district, such person must be a  
133 bona fide resident and a qualified elector of such school  
134 district, and, in the case of a school district lying in two (2)  
135 or more counties, but not including municipal separate school  
136 districts, such person must be a bona fide resident and a  
137 qualified elector of the territory entitled to such representation  
138 on the board.

139 **SECTION 6.** Section 37-7-203, Mississippi Code of 1972, is  
140 brought forward as follows:

141 37-7-203. (1) Except as otherwise provided in subsections  
142 (3), (4) and (5) of this section, the boards of trustees of all  
143 municipal separate school districts created under this chapter,  
144 either with or without added territory, shall consist of five (5)  
145 members, each to be chosen for a term of five (5) years, but so  
146 chosen that the term of office of one (1) member shall expire each  
147 year. In the event the added territory of a municipal separate



148 school district furnishes fifteen percent (15%) or more of the  
149 pupils enrolled in the schools of such district, then at least one  
150 (1) member of the board of trustees of such school district shall  
151 be a resident of the added territory outside the corporate limits.  
152 In the event the added territory of a municipal separate school  
153 district furnishes thirty percent (30%) or more of the pupils  
154 enrolled in the schools of such district, then not more than two  
155 (2) members of the board of trustees of such school district shall  
156 be residents of the added territory outside the corporate limits.  
157 In the event the added territory of a municipal separate school  
158 district in a county in which Mississippi Highways 8 and 15  
159 intersect furnishes thirty percent (30%) or more of the pupils  
160 enrolled in the schools of such district, then the five (5)  
161 members of the board of trustees of such school district shall be  
162 elected at large from such school district for a term of five (5)  
163 years each except that the two (2) elected trustees presently  
164 serving on such board shall continue to serve for their respective  
165 terms of office. The three (3) appointed trustees presently  
166 serving on such board shall continue to serve until their  
167 successors are elected in March of 1975 in the manner provided for  
168 in Section 37-7-215. At such election, one (1) trustee shall be  
169 elected for a term of two (2) years, one (1) for a term of three  
170 (3) years and one (1) for a term of five (5) years. Subsequent  
171 terms for each successor trustee shall be for five (5) years. In  
172 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





198 added territory outside the corporate limits at the same time and  
199 in the same manner as is otherwise provided in this article for  
200 the election of trustees of school districts other than municipal  
201 separate school districts.

202 In the event that a portion of a county school district is  
203 reconstituted, in the manner provided by law, into a municipal  
204 separate school district with added territory and in the event  
205 that the trustees to be elected from the added territory are  
206 requested to be elected from separate election districts within  
207 the added territory, instead of elected at large, by the Attorney  
208 General of the United States as a result of and pursuant to  
209 preclearance under Section 5 of the Voting Rights Act of 1965, as  
210 amended and extended, and in the event the added territory of a  
211 municipal separate school district of a municipality furnishes  
212 thirty percent (30%) or more of the pupils enrolled in the schools  
213 of such district, then two (2) members of the board of trustees  
214 shall be residents of the added territory outside the corporate  
215 limits of such municipality and shall be elected from special  
216 trustee election districts by the qualified electors thereof as  
217 herein provided. The board of trustees of the school district  
218 shall apportion the added territory into two (2) special trustee  
219 election districts as nearly as possible according to population  
220 and other factors heretofore pronounced by the courts. The board  
221 of trustees of the school district shall thereafter publish the  
222 same in a newspaper of general circulation within that school



223 district for at least two (2) consecutive weeks; and after having  
224 given notice of publication and recording the same upon the  
225 minutes of the board of trustees of the school district, the new  
226 district lines shall thereafter be effective. Any person elected  
227 from the new trustee election districts constituted herein shall  
228 be elected in the manner provided for in Section 37-7-215 for a  
229 term of five (5) years. Any vacancy in the office of a trustee  
230 elected from such trustee election district, whether occasioned by  
231 redistricting or by other cause, shall be filled by appointment of  
232 the governing authorities of the municipality, provided that the  
233 person so appointed shall serve only until the next general  
234 election following his appointment, at which time a person shall  
235 be elected for the remainder of the unexpired term in the manner  
236 provided in Section 37-7-215.

237 In any county organizing a countywide municipal separate  
238 school district after January 1, 1965, the trustees thereof to be  
239 elected from outside the municipality, such trustees shall be  
240 elected by the board of supervisors of such county, and the  
241 superintendent of such school district shall have authority to pay  
242 out and distribute the funds of the district. In the event a  
243 municipal separate school district should occupy territory in a  
244 county other than that in which the municipality is located and  
245 fifteen percent (15%) or more of the pupils enrolled in the  
246 schools of such district shall come from the territory of the  
247 district in the county other than that in which the municipality



is located, the territory of such county in which the municipality is not located shall be entitled to one (1) member on the board of trustees of such 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 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.



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

288           (3) In municipalities designated as having a mayor-council  
289 form of government under Chapter 8, Title 21, Mississippi Code of  
290 1972, and having a population in excess of one hundred thousand  
291 (100,000) according to the 2000 federal decennial census, the  
292 boards of trustees of the municipal separate school district  
293 located in the municipality may, if authorized by ordinance of the  
294 municipal governing authority, consist of seven (7) members  
295 residing in each of the seven (7) wards in the municipality, to be  
296 appointed by the mayor and confirmed by the city council as



297 follows: (a) each board member shall reside in the ward from  
298 which he is appointed; (b) members serving on March 31, 2010,  
299 shall continue to serve until a new term commences and new members  
300 shall be selected from wards not currently represented on the  
301 board; (c) one (1) of the two (2) additional appointments shall  
302 serve a term of five (5) years and one (1) for a term of four (4)  
303 years, with all subsequent appointments for a five-year term; and  
304 (d) each new appointment shall be made by the mayor and confirmed  
305 by the city council of the municipality at the first meeting of  
306 the governing authorities held in the month of June following  
307 March 31, 2010, and thereafter each year, and the term of office  
308 of each member so selected shall commence on the first Saturday of  
309 July following.

310 (4) (a) Beginning in 2017, in any municipal separate school  
311 district that is traversed by the Escatawpa River and in which  
312 Interstate Highway 10 and Mississippi Highway 63 intersect, the  
313 board of trustees of the municipal separate school district shall  
314 consist of five (5) members, each to be elected for a term of four  
315 (4) years in the manner provided in this subsection. Within  
316 forty-five (45) days after July 1, 2017, the municipal governing  
317 authority shall apportion the municipal separate school district,  
318 including any added territory outside the corporate limits, into  
319 five (5) special trustee election districts as nearly equal as  
320 possible according to population, incumbency and other factors  
321 pronounced by the courts before August 8, 2017. The municipal



governing authority shall place upon its minutes the boundaries determined for the new five (5) trustee election districts and shall publish the same in a newspaper of general circulation within the school district for at least three (3) consecutive weeks. After having given notice of publication and recording the same upon the minutes of the municipal governing authority, the new district lines shall be effective.

(b) On the first Tuesday after the first Monday in November 2017, and every four (4) years thereafter, an election shall be held in the municipal separate school district for local school board members from trustee election districts 1, 3 and 5 in the same manner and at the same time as the general municipal election is held and conducted, for the purpose of electing the board of trustees of the municipal separate school district. All members of the board of trustees elected pursuant to this paragraph (b) shall take office on the first Monday of January immediately following the date of their election. However, in order to provide for an orderly transition, the term of each member of the board of trustees serving on July 1, 2017, which otherwise would expire after the first Monday in July 2018, shall expire on the first Monday of January 2018. If no individual qualifies for the elective office of school district trustee, the trustee for that specific trustee district shall be filled by appointment of the municipal governing authority; however, the person so appointed to fill the vacancy may serve only until the



347 first Monday in January 2019, at which time the trustee elected  
348 pursuant to this subsection shall take office for the remainder of  
349 the unexpired initial term.

350 From and after January 1, 2018, any vacancy on the board of  
351 trustees shall be filled by appointment by the remaining members  
352 of the board of trustees within sixty (60) days after the vacancy  
353 occurs. The appointee must be selected from the qualified  
354 electors of the trustee election district in which the vacancy  
355 occurs. The appointee shall serve until the first Monday of  
356 January succeeding the next general municipal election, at which  
357 election a member from that trustee election district shall be  
358 elected for a full term.

359 (c) On the first Tuesday after the first Monday in  
360 November 2018, and every four (4) years thereafter, an election  
361 shall be held in the municipal separate school district for local  
362 school board members from trustee election districts 2 and 4 in  
363 the same manner and at the same time as the Congressional mid-term  
364 election is held and conducted, for the purpose of electing the  
365 board of trustees of the municipal separate school district. All  
366 members of the board of trustees elected pursuant to this  
367 paragraph (c) shall take office on the first Monday of January  
368 immediately following the date of their election. However, in  
369 order to provide for an orderly transition, the term of each  
370 member of the board of trustees serving on July 1, 2018, which  
371 otherwise would expire after the first Monday in July 2018, shall



372 expire on the first Monday of January 2019. If no individual  
373 qualifies for the elective office of school district trustee, the  
374 trustee for that specific trustee district shall be filled by  
375 appointment of the municipal governing authority; however, the  
376 person so appointed to fill the vacancy may serve only until the  
377 first Monday in January 2020, at which time the trustee elected  
378 pursuant to this subsection shall take office for the remainder of  
379 the unexpired initial term.

380 From and after July 1, 2020, any vacancy on the board of  
381 trustees shall be filled by appointment by the remaining members  
382 of the board of trustees within sixty (60) days after the vacancy  
383 occurs. The appointee must be selected from the qualified  
384 electors of the trustee election district in which the vacancy  
385 occurs. The appointee shall serve until the first Monday of July  
386 succeeding the next general municipal election, at which election  
387 a member from that trustee election district shall be elected for  
388 a full term.

389 (5) (a) Beginning in 2024, in any municipal separate school  
390 district in which Interstate Highway 20 and Mississippi Highway 15  
391 intersect, the board of trustees of the municipal separate school  
392 district shall consist of five (5) members, each to be elected for  
393 a term of four (4) years in the manner provided in this  
394 subsection. Within forty-five (45) days after July 1, 2024, the  
395 municipal governing authority shall apportion the municipal  
396 separate school district, including any added territory outside





the corporate limits, into five (5) special trustee election districts as nearly equal as possible according to population, incumbency and other factors pronounced by the courts before January 1, 2024. The municipal governing authority shall place upon its minutes the boundaries determined for the new five (5) trustee election districts and shall publish the same in a newspaper of general circulation within the school district for at least three (3) consecutive weeks. After having given notice of publication and recording the same upon the minutes of the municipal governing authority, the new district lines shall be effective. Candidates for such positions shall file the intent to be a candidate not later than 5:00 p.m. on September 1, 2024, and shall qualify as otherwise provided by law.

(b) On the first Tuesday after the first Monday in November 2024, an election shall be held in the municipal separate school district for local school board members in the same manner and at the same time as the presidential election is held and conducted, for the purpose of electing the board of trustees of the municipal separate school district. All members of the board of trustees elected pursuant to this paragraph (b) shall take office on the first Monday of January immediately following the date of their election, and may serve until the first Monday in January 2028, at which time the trustee elected pursuant to paragraph (c) of this subsection shall take office. If no individual qualifies for the elective office of school district



trustee, the trustee for that specific trustee district shall be filled by appointment of the municipal governing authority; however, the person so appointed to fill the vacancy may serve only until the first Monday in January 2028, at which time the trustee elected pursuant to paragraph (c) of this subsection shall take office.

From and after January 1, 2028, any vacancy on the board of trustees shall be filled by appointment by the remaining members of the board of trustees within sixty (60) days after the vacancy occurs. The appointee must be selected from the qualified electors of the trustee election district in which the vacancy occurs. The appointee shall serve until the first Monday of January succeeding the next general election, at which election a member from that trustee election district shall be elected for the remainder of the unexpired term.

(c) On the first Tuesday after the first Monday in November 2027, and every four (4) years thereafter, an election shall be held in the municipal separate school district for local school board members in the same manner and at the same time as the general elections are held and conducted in accordance with Section 23-15-193, for the purpose of electing the board of trustees of the municipal separate school district. All members of the board of trustees elected pursuant to this paragraph (c) shall take office on the first Monday of January immediately following the date of their election.



447           **SECTION 7.** Section 37-7-204, Mississippi Code of 1972, is  
448 brought forward as follows:

449           37-7-204. In the event that a vacancy occurs in the office  
450 of any elected trustee of a countywide municipal separate school  
451 district, and the next regular school board election at which the  
452 vacancy may be filled is less than one (1) year from the date of  
453 the resignation, the school board of the district may, in its  
454 discretion, take action to appoint an interim board member to fill  
455 the vacancy until a duly qualified successor takes office. The  
456 interim board member shall serve until such time as the successor  
457 board member is duly elected to fill the unexpired term, pursuant  
458 to an election held at the next regularly scheduled school board  
459 election held in the county.

460           **SECTION 8.** Section 37-7-207, Mississippi Code of 1972, is  
461 brought forward as follows:

462           37-7-207. (1) All school districts reconstituted or created  
463 under the provisions of Article 1 of this chapter, and which lie  
464 wholly within one (1) county, but not including municipal separate  
465 and countywide districts, shall be governed by a board of five (5)  
466 trustees. The first board of trustees of such districts shall be  
467 appointed by the county board of education, and the original  
468 appointments shall be so made that one (1) trustee shall be  
469 appointed to serve until the first Saturday of March following  
470 such appointments, one (1) for one (1) year longer, one (1) for  
471 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. 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 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.

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 district. At said election the member of the said board from District One shall be elected for a term of one (1) year, the member from



497 District Two shall be elected for a term of two (2) years, the  
498 member from District Three shall be elected for a term of three  
499 (3) years, the member from District Four shall be elected for a  
500 term of four (4) years, and the member from District Five shall be  
501 elected for a term of five (5) years. Thereafter, members shall  
502 be elected at general elections as vacancies occur for terms of  
503 five (5) years each. Trustees elected from single member election  
504 districts as provided above shall otherwise be elected as provided  
505 for in Sections 37-7-223 through 37-7-229. All members of the  
506 said board of trustees shall take office on the first Monday of  
507 January following the date of their election. All vacancies which  
508 may occur during a term shall be filled by appointment of the  
509 consolidated school district trustees, but the person so appointed  
510 shall serve only until the next general election following such  
511 appointment, at which time a person shall be elected for the  
512 remainder of the unexpired term at the same time and in the same  
513 manner as a trustee is elected for the full term then expiring.  
514 The person so elected to the unexpired term shall take office  
515 immediately. Said appointee shall be selected from the qualified  
516 electors of the district in which the vacancy occurs. In the  
517 event the school district is under conservatorship and no members  
518 of the board of trustees remain in office, the Governor shall call  
519 a special election to fill the vacancies and the said election  
520 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 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 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 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. 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 district, each county belonging thereto was contractually guaranteed to always have at least one (1) representative on said board, in order that said 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 said 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. 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 9.** Section 37-7-208, Mississippi Code of 1972, is brought forward as follows:

37-7-208. The board of trustees of any consolidated school district may pay from funds other than total funding formula funds the cost and expense of litigation involved by or resulting from the creation of or litigation to create single member school board trustee election districts, and pay from funds other than the total funding formula funds the cost or expense to implement any plan, decree or reorganization as approved by the court. Said payments by the board of trustees shall be deemed a "new program" under the provisions of Section 37-57-107, and any additional millage levied for such purpose and the revenue generated therefrom shall be excluded from the tax increase limitation prescribed in Sections 37-57-105 and 37-57-107. The board of supervisors of any county in which there is located such consolidated school district may, in its discretion, contribute out of county general funds to the cost and expense of such litigation and/or the cost of implementing such redistricting plan.



621           **SECTION 10.** Section 37-7-209, Mississippi Code of 1972, is  
622 brought forward as follows:

623           37-7-209. All elections of trustees who are elected under  
624 the provisions of subsection (1) of Section 37-7-203 shall be held  
625 and conducted in the manner and at the time provided for in  
626 Sections 37-7-211 through 37-7-219.

627           **SECTION 11.** Section 37-7-211, Mississippi Code of 1972, is  
628 brought forward as follows:

629           37-7-211. (1) The name of any qualified elector who is  
630 otherwise eligible under the provisions of subsection (1) of  
631 Section 37-7-203 who shall desire to be a candidate for the office  
632 of trustee must qualify in the following manner in order to be  
633 allowed to be considered for election. By 5:00 p.m. no more than  
634 ninety (90) days and not less than sixty (60) days before the  
635 election, he shall file with the county election commissioners a  
636 petition signed by not less than fifty (50) qualified electors of  
637 the area represented by the office which he seeks, either for a  
638 full term or an unexpired term, as the case may be, and an  
639 affidavit by the candidate offering for election stating his  
640 qualifications under the terms of the section. Where there are  
641 less than one hundred (100) qualified electors in said area  
642 represented by the trustee, it shall only be required that said  
643 petition of nomination be signed by at least twenty percent (20%)  
644 of the qualified electors in said area. The petition shall  
645 contain an affidavit certifying that all signatures are the



personal signatures of each person whose name appears on the petition and that each person is a qualified elector.

(2) Unless the petition and affidavit required in subsection (1) of this section are filed by 5:00 p.m. not less than sixty (60) days prior to the election, the name of the candidate shall not be considered in the election, and votes cast for any person who has failed to qualify shall not be counted in the election.

(3) If after the time for candidates to file the petition and affidavit provided for in this section there should be only one (1) person to qualify for the office of trustee, then no election or notice of election shall be necessary and such person shall, if otherwise qualified, be declared elected without opposition.

**SECTION 12.** Section 37-7-215, Mississippi Code of 1972, is brought forward as follows:

37-7-215. All such elections shall be held on the first Tuesday after the first Monday in November of each year and in the same manner as general state and county elections are held and conducted. In the event a runoff is necessary the runoff shall be held four (4) weeks thereafter.

**SECTION 13.** Section 37-7-217, Mississippi Code of 1972, is brought forward as follows:

37-7-217. (1) The county election commissioners shall indicate on the ballot which of the persons whose names appear



670 thereon are candidates for a full term, and which of such persons,  
671 if any, are candidates for an unexpired term or terms.

672 (2) The qualified electors of each school district operating  
673 under Section 37-7-215 shall vote on the date specified in that  
674 section and at the special trustee election districts.

675 (3) A person elected shall assume the duties of his office  
676 for the full term on the first day of January if the election is  
677 for the full term. A person elected to an unexpired term shall  
678 assume office immediately.

679 (4) The county election commissioners shall forthwith  
680 certify the results of the election to the superintendent of the  
681 municipal separate or special municipal separate school district,  
682 as the case may be, which certificate shall be delivered to such  
683 superintendent within five (5) days following the first election.

684 (5) If a person does not receive a majority of the votes  
685 cast at the election, a runoff shall be held between the two (2)  
686 persons receiving the highest number of votes at the first  
687 election. In the event a runoff is necessary, the runoff shall be  
688 held four (4) weeks thereafter.

689 **SECTION 14.** Section 37-7-219, Mississippi Code of 1972, is  
690 brought forward as follows:

691 37-7-219. (1) For the purpose of holding such an election,  
692 it shall be the duty of the county election commissioners to  
693 prepare from the records in the office of the county registrar a  
694 list of the qualified electors of the school district who are



695 eligible to participate in the election. The list shall be  
696 furnished to the election managers in each precinct, together with  
697 the ballots and other election supplies.

698 (2) In the event that any election precinct embraces parts  
699 of two (2) or more school districts it shall be the duty of the  
700 county election commissioners to prepare from the records in the  
701 office of the county registrar separate lists of the qualified  
702 electors of each school district who reside in the precinct and  
703 who are eligible to participate in the election. The election  
704 commissioners shall furnish to the election managers in the  
705 precinct separate ballots and separate ballot boxes and separate  
706 voting lists for each school district.

707 (3) For each day spent in carrying out the provisions of  
708 Sections 37-7-211 through 37-7-219, the county election  
709 commissioners shall be paid at the rate prescribed by law.

710 **SECTION 15.** This act shall take effect and be in force from  
711 and after its passage.

