

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



50 Section 20, Township 7 South, Range 16 West
51 Section 19, Township 7 South, Range 16 West
52 Section 24, Township 7 South, Range 17 West
53 Section 23, Township 7 South, Range 17 West
54 (b) The two (2) school districts described in Section 1
55 of this act, upon the effectuation of the school districts'
56 boundaries alteration shall, as soon as practical thereafter, at
57 any regular meeting thereof or at any special meeting called for
58 that purpose, spread upon the minutes of each respective school
59 board the official boundaries of said school districts as
60 prescribed in paragraph (a) of this subsection (2).

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

63 37-7-103. * * * Except as otherwise provided in Section 1 of
64 this act, the school board of any school district shall have full
65 jurisdiction, power and authority, at any regular meeting thereof
66 or at any special meeting called for that purpose, to abolish such
67 existing district, or to reorganize, change or alter the
68 boundaries of any such district. In addition thereto, with the
69 consent of the school board of the school district involved, the
70 school board may add to such school district any part of the
71 school district adjoining same, and with the consent of the school
72 board of the school district involved, may detach territory from
73 such school district and annex same to an adjoining district.
74 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



173 located in any county with two (2) judicial districts, District 1
174 being comprised of Supervisors Districts 1, 2, 4 and 5, and
175 District 2 being comprised of Supervisors District 3, with added
176 territory embraces three (3) full supervisors districts of a
177 county, one (1) trustee shall be elected from each of the three
178 (3) supervisors districts outside the corporate limits of the
179 municipality. In the further event that the territory of a
180 municipal separate school district located in any county with two
181 (2) judicial districts, District 1 being comprised of Supervisors
182 Districts 1, 2, 4 and 5, and District 2 being comprised of
183 Supervisors District 3, with added territory embraces four (4)
184 full supervisors districts in the county, and in any county in
185 which a municipal separate school district embraces the entire
186 county in which Highways 14 and 15 intersect, one (1) trustee
187 shall be elected from each supervisors district.

188 Except as otherwise provided herein, the trustees of such a
189 municipal separate school district shall be elected by a majority
190 of the governing authorities of the municipality at the first
191 meeting of the governing authorities held in the month of February
192 of each year, and the term of office of the member so elected
193 shall commence on the first Saturday of March following. In the
194 case of a member of the board of trustees who is required to come
195 from the added territory outside the corporate limits as is above
196 provided, such member of the board of trustees shall be elected by
197 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



248 is located, the territory of such county in which the municipality
249 is not located shall be entitled to one (1) member on the board of
250 trustees of such school district. The trustee shall be a resident
251 of the territory of that part of the district lying in the county
252 in which the municipality is not located and shall be elected by
253 the qualified electors of the territory of such county at the same
254 time and in the same manner as is provided for the election of
255 trustees of school districts other than municipal separate school
256 districts having territory in two (2) or more counties.

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

265 No person who is a member of such governing body, or who is
266 an employee of the municipality, or who is a member of the county
267 board of education, or who is a trustee of any public, private or
268 sectarian school or college located in the county, inclusive of
269 the municipal separate school district, or who is a teacher in or
270 a trustee of the school district, shall be eligible for
271 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.

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



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

329 (b) On the first Tuesday after the first Monday in
330 November 2017, and every four (4) years thereafter, an election
331 shall be held in the municipal separate school district for local
332 school board members from trustee election districts 1, 3 and 5 in
333 the same manner and at the same time as the general municipal
334 election is held and conducted, for the purpose of electing the
335 board of trustees of the municipal separate school district. All
336 members of the board of trustees elected pursuant to this
337 paragraph (b) shall take office on the first Monday of January
338 immediately following the date of their election. However, in
339 order to provide for an orderly transition, the term of each
340 member of the board of trustees serving on July 1, 2017, which
341 otherwise would expire after the first Monday in July 2018, shall
342 expire on the first Monday of January 2018. If no individual
343 qualifies for the elective office of school district trustee, the
344 trustee for that specific trustee district shall be filled by
345 appointment of the municipal governing authority; however, the
346 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



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

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



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

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

437 (c) On the first Tuesday after the first Monday in
438 November 2027, and every four (4) years thereafter, an election
439 shall be held in the municipal separate school district for local
440 school board members in the same manner and at the same time as
441 the general elections are held and conducted in accordance with
442 Section 23-15-193, for the purpose of electing the board of
443 trustees of the municipal separate school district. All members
444 of the board of trustees elected pursuant to this paragraph (c)
445 shall take office on the first Monday of January immediately
446 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



472 (1) for four (4) years longer. After such original appointments,
473 the trustees of such school districts shall be elected by the
474 qualified electors of such school districts in the manner provided
475 for in Sections 37-7-223 through 37-7-229, with each trustee to be
476 elected for a term of five (5) years. The five (5) members of the
477 board of trustees of such consolidated school district shall be
478 elected from special trustee election districts by the qualified
479 electors thereof, as herein provided. The board of trustees of
480 any such consolidated school district shall apportion the
481 consolidated school district into five (5) special trustee
482 election districts. The board of trustees of such school district
483 shall place upon its minutes the boundaries determined for the new
484 five (5) trustee election districts. The board of trustees shall
485 thereafter publish the same in a newspaper of general circulation
486 within said school district for at least three (3) consecutive
487 weeks; and after having given notice of publication and recording
488 the same upon the minutes of the board of trustees, said new
489 district lines shall thereafter be effective.

490 On the first Tuesday after the first Monday in November, in
491 any year in which any consolidated school district shall elect to
492 utilize the authority to create single member election districts,
493 an election shall be held in each such district in this state for
494 the purpose of electing the board of trustees of such district.
495 At said election the member of the said board from District One
496 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

546 of trustees, said new district lines shall thereafter be
547 effective. Provided, however, that in any line consolidated
548 school district encompassing two (2) or more counties created
549 pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section
550 8, in which, as a condition precedent to the creation of said
551 district, each county belonging thereto was contractually
552 guaranteed to always have at least one (1) representative on said
553 board, in order that said condition precedent may be honored and
554 guaranteed, in any year in which the board of trustees of such
555 line consolidated school district does not have at least one (1)
556 member from each county or part thereof forming such district, the
557 board of trustees in such district shall be governed by a board of
558 a sufficient number of trustees to fulfill this guarantee, five
559 (5) of whom shall be elected from the five (5) special trustee
560 election districts which shall be as nearly equal as possible and
561 one (1) member trustee appointed at large from each county not
562 having representation on the elected board. In such cases, the
563 board of supervisors of each county shall make written agreement
564 to guarantee the manner of appointment of at least one (1)
565 representative from each county in the district, placing such
566 written agreement on the minutes of each board of supervisors in
567 each county.

568 On the first Tuesday after the first Monday in November, in
569 any year in which any line consolidated school district shall
570 elect to utilize the authority to create single member election



571 districts, an election shall be held in each such district in this
572 state for the purpose of electing the board of trustees of such
573 district. At said election the member of the said board from
574 District One shall be elected for a term of one (1) year, the
575 member from District Two shall be elected for a term of two (2)
576 years, the member from District Three shall be elected for a term
577 of three (3) years, the member from District Four shall be elected
578 for a term of four (4) years, and the member from District Five
579 shall be elected for a term of five (5) years. Thereafter,
580 members shall be elected at general elections as vacancies occur
581 for terms of five (5) years each. Trustees elected from single
582 member election districts as provided above shall otherwise be
583 elected as provided for in Sections 37-7-223 through 37-7-229.
584 All members of the said board of trustees shall take office on the
585 first Monday of January following the date of their election. In
586 all elections, the trustee elected shall be a resident and
587 qualified elector of the district entitled to the representation
588 upon the board, and he shall be elected only by the qualified
589 electors of such district. All vacancies which may occur during a
590 term of office shall be filled by appointment of the consolidated
591 line school district trustees, but the person so appointed shall
592 serve only until the next general election following such
593 appointment, at which time a person shall be elected for the
594 remainder of the unexpired term at the same time and in the same
595 manner as the trustee is elected for the full term then expiring.



596 The person so elected to the unexpired term shall take office
597 immediately. In the event the school district is under
598 conservatorship and no members of the board of trustees remain in
599 office, the Governor shall call a special election to fill the
600 vacancies and the said election will be conducted by the county
601 election commission.

602 **SECTION 9.** Section 37-7-208, Mississippi Code of 1972, is
603 brought forward as follows:

604 37-7-208. The board of trustees of any consolidated school
605 district may pay from funds other than total funding formula funds
606 the cost and expense of litigation involved by or resulting from
607 the creation of or litigation to create single member school board
608 trustee election districts, and pay from funds other than the
609 total funding formula funds the cost or expense to implement any
610 plan, decree or reorganization as approved by the court. Said
611 payments by the board of trustees shall be deemed a "new program"
612 under the provisions of Section 37-57-107, and any additional
613 millage levied for such purpose and the revenue generated
614 therefrom shall be excluded from the tax increase limitation
615 prescribed in Sections 37-57-105 and 37-57-107. The board of
616 supervisors of any county in which there is located such
617 consolidated school district may, in its discretion, contribute
618 out of county general funds to the cost and expense of such
619 litigation and/or the cost of implementing such redistricting
620 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



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

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

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

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

661 37-7-215. All such elections shall be held on the first
662 Tuesday after the first Monday in November of each year and in the
663 same manner as general state and county elections are held and
664 conducted. In the event a runoff is necessary the runoff shall be
665 held four (4) weeks thereafter.

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

668 37-7-217. (1) The county election commissioners shall
669 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.

