

By: Representative Frierson

To: Education; Apportionment
and Elections

HOUSE BILL NO. 1003

1 AN ACT TO ESTABLISH A UNIFORM METHOD FOR ELECTING ALL SCHOOL
2 BOARD MEMBERS IN ALL SCHOOL DISTRICTS; TO PROVIDE FOR THE ELECTION
3 OF THE MEMBERS OF SCHOOL BOARDS FROM SCHOOL BOARD MEMBER DISTRICTS
4 BY THE QUALIFIED ELECTORS OF SUCH DISTRICTS, TO DIRECT THE
5 APPORTIONMENT OF THE SCHOOL DISTRICTS INTO FIVE SCHOOL BOARD
6 MEMBER DISTRICTS, TO ESTABLISH AN ELECTION SCHEDULE IN ORDER TO
7 PROVIDE FOR AN ORDERLY TRANSITION IN THE MEMBERSHIP OF SCHOOL
8 BOARDS FROM THE MEMBERS CURRENTLY SERVING TO THE NEWLY CONSTITUTED
9 SCHOOL BOARDS, TO PROVIDE FOR THE ELECTION OF ALL SCHOOL BOARD
10 MEMBERS IN THE NOVEMBER GENERAL ELECTION, AND TO PRESCRIBE THE
11 MANNER IN WHICH VACANCIES ON THE SCHOOL BOARDS SHALL BE FILLED; TO
12 AMEND SECTIONS 37-5-7, 37-7-203, 37-7-207 AND 37-7-707,
13 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL
14 SECTIONS 37-5-1, 37-5-3, 37-5-9, 37-5-18 AND 37-5-19, MISSISSIPPI
15 CODE OF 1972, WHICH ESTABLISH THE COUNTY BOARD OF EDUCATION AND
16 PROVIDE FOR THE QUALIFICATIONS AND ELECTION OF BOARD MEMBERS AND
17 FILLING OF VACANCIES ON THE BOARD; TO REPEAL SECTION 37-7-201,
18 MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE QUALIFICATIONS FOR
19 THE OFFICE OF SCHOOL BOARD MEMBER; TO REPEAL SECTION 37-7-204,
20 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE APPOINTMENT OF
21 INTERIM BOARD MEMBERS TO FILL CERTAIN VACANCIES ON THE SCHOOL
22 BOARDS OF COUNTYWIDE MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO
23 REPEAL SECTIONS 37-7-209 THROUGH 37-7-219, MISSISSIPPI CODE OF
24 1972, WHICH PROVIDE CERTAIN METHODS FOR ELECTING TRUSTEES FROM
25 ADDED TERRITORY OF MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO REPEAL
26 SECTIONS 37-7-221 THROUGH 37-7-229, MISSISSIPPI CODE OF 1972,
27 WHICH PROVIDE A PROCEDURE FOR THE ELECTION OF CONSOLIDATED OR
28 CONSOLIDATED LINE SCHOOL DISTRICT TRUSTEES; TO REPEAL SECTION
29 37-7-703, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE PROCEDURE
30 FOR SELECTING TRUSTEES IN SPECIAL MUNICIPAL SEPARATE SCHOOL
31 DISTRICTS THAT EMBRACE THE ENTIRE COUNTY, EFFECTIVE JANUARY 1,
32 2008; TO REPEAL SECTION 37-7-705, MISSISSIPPI CODE OF 1972, WHICH
33 PROVIDES THE PROCEDURE FOR SELECTING TRUSTEES IN SPECIAL MUNICIPAL
34 SEPARATE SCHOOL DISTRICTS THAT EMBRACE THE ENTIRE COUNTY AND IN
35 WHICH A MAJORITY OF THE INHABITANTS OF THE COUNTY RESIDE OUTSIDE
36 THE CORPORATE LIMITS OF THE MUNICIPALITY; TO REPEAL SECTIONS
37 37-7-709 THROUGH 37-7-717, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
38 VARIOUS METHODS FOR SELECTING TRUSTEES OF SPECIAL MUNICIPAL
39 SEPARATE SCHOOL DISTRICTS AND FILLING VACANCIES ON SUCH SCHOOL
40 BOARDS; TO REPEAL SECTION 37-7-723, MISSISSIPPI CODE OF 1972,
41 WHICH PROVIDES THAT IN SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS
42 EMBRACING AN ENTIRE COUNTY, THE SCHOOL BOARD OF THE SPECIAL
43 MUNICIPAL SEPARATE SCHOOL DISTRICT SUPERSEDES THE COUNTY BOARD OF
44 EDUCATION; AND FOR RELATED PURPOSES.

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

46 **SECTION 1.** [Until January 1, 2008, this section will read as
47 **follows:]**



48 (1) The school board of each school district in the State of
49 Mississippi shall consist of five (5) members. Beginning in 2003,
50 the members of the school board shall be elected from special
51 school board member districts in the manner provided under this
52 section.

53 (2) The governing authority of a municipality having a
54 municipal separate school district or special municipal separate
55 school district shall apportion the school district, including any
56 added territory, into five (5) single school board member
57 districts. All other school districts shall be apportioned in the
58 same manner by the boards of supervisors. The school board member
59 districts must be as nearly equal as possible according to
60 population. The municipal governing authorities and boards of
61 supervisors shall submit the school board member district lines to
62 the Attorney General of the United States for preclearance or to
63 the United States District Court for the District of Columbia for
64 a declaratory judgment in accordance with the provisions of the
65 Voting Rights Act of 1965, as amended and extended. If the school
66 board member district lines in a school district are precleared by
67 the United States Department of Justice or approved by the United
68 States District Court, the municipal governing authority or board
69 of supervisors, as the case may be, and the school board of the
70 school district shall place upon their minutes the boundaries
71 established for the five (5) school board member districts, and
72 the school board shall publish the boundaries in a newspaper of
73 general circulation within the school district for at least three
74 (3) consecutive weeks. After having given notice of publication
75 and recording the publication upon the minutes of the school
76 board, the school board member district lines shall be effective.

77 (3) In order to provide for an orderly transition in the
78 membership of each school board from those members elected or
79 appointed to the school board under the laws in effect before the
80 effective date of House Bill No. _____, 2002 Regular Session, to



81 members elected under the provisions of House Bill No. _____, 2002
82 Regular Session, the following election schedule is established
83 for all school districts:

84 (a) On the first Tuesday after the first Monday in
85 November 2003, an election shall be held for the purpose of
86 electing a member of the school board to succeed the member whose
87 term of office is scheduled to expire in 2003. The term of office
88 of this member which is scheduled to expire in 2003 shall be
89 extended until the first Monday of January 2004, at which time the
90 member's duly elected successor shall take office. The member
91 elected in November 2003 must be a resident of the school board
92 member district in which the member whose term expires in January
93 2004 resides. The initial term of office of this elected member
94 of the school board shall expire on the first Monday of January
95 2008.

96 (b) On the first Tuesday after the first Monday in
97 November 2004, an election shall be held for the purpose of
98 electing a member of the school board to succeed the member whose
99 term of office expires in 2004. The term of office of this member
100 which is scheduled to expire in 2004 shall be extended until the
101 first Monday of January 2005, at which time the member's duly
102 elected successor shall take office. The member elected in
103 November 2004 must be a resident of the school board member
104 district in which the member whose term expires in January 2005
105 resides; however, if the member whose term expires in January 2005
106 is a resident of a school board member district from which a
107 member already has been elected under this section, then the
108 member elected under this paragraph must be a resident of the
109 lowest numbered school board member district that has not been
110 filled yet pursuant to this section. The initial term of office
111 of this elected member of the school board shall expire on the
112 first Monday of January 2008.



113 (c) On the first Tuesday after the first Monday in
114 November 2005, an election shall be held for the purpose of
115 electing a member of the school board to succeed the member whose
116 term of office expires in 2005. The term of office of this member
117 which is scheduled to expire in 2005 shall be extended until the
118 first Monday of January 2006, at which time the member's duly
119 elected successor shall take office. The member elected in
120 November 2005 must be a resident of the school board member
121 district in which the member whose term expires in January 2006
122 resides; however, if the member whose term expires in January 2006
123 is a resident of a school board member district from which a
124 member already has been elected under this section, then the
125 member elected under this paragraph must be a resident of the
126 lowest numbered school board member district that has not been
127 filled yet pursuant to this section. The initial term of office
128 of this elected member of the school board shall expire on the
129 first Monday of January 2008.

130 (d) On the first Tuesday after the first Monday in
131 November 2006, an election shall be held for the purpose of
132 electing a member of the school board to succeed the member whose
133 term of office expires in 2006. The term of office of this member
134 which is scheduled to expire in 2006 shall be extended until the
135 first Monday of January 2007, at which time the member's duly
136 elected successor shall take office. The member elected in
137 November 2006 must be a resident of the school board member
138 district in which the member whose term expires in January 2007
139 resides; however, if the member whose term expires in January 2007
140 is a resident of a school board member district from which a
141 member already has been elected under this section, then the
142 member elected under this paragraph must be a resident of the
143 lowest numbered school board member district that has not been
144 filled yet pursuant to this section. The initial term of office



145 of this elected member of the school board shall expire on the
146 first Monday of January 2008.

147 (e) On the first Tuesday after the first Monday in
148 November 2007, an election shall be held for the purpose of
149 electing a member of the school board to succeed the member whose
150 term of office expires in 2007. The term of office of this member
151 which is scheduled to expire in 2007 shall be extended until the
152 first Monday of January 2008, at which time the member's duly
153 elected successor shall take office. The member elected in
154 November 2007 must be a resident of the school board member
155 district that has not been filled yet pursuant to this section.
156 The initial term of office of this elected member of the school
157 board shall expire on the first Monday of January 2012.

158 Upon the expiration of the initial terms of office, all
159 persons elected to serve on the school board shall serve for a
160 term of four (4) years.

161 On the first Tuesday after the first Monday in November 2007,
162 and every four (4) years thereafter, the election of all members
163 of the school boards shall be held in the same manner and at the
164 same time as the general elections are held.

165 (4) In order for a person to be eligible to be elected to
166 serve on the school board, the person must be a bona fide resident
167 and qualified elector of the school board member district entitled
168 to such representation on the school board.

169 (5) Candidates for the school board shall file with the
170 county election commissioners, not more than ninety (90) days nor
171 less than sixty (60) days before the date of the election, a
172 petition of nomination signed by at least fifty (50) or twenty
173 percent (20%) of the qualified electors of the school board member
174 district, whichever is less. The name of each qualified candidate
175 shall be placed on the ballot. The election shall be held in the
176 same manner as the general elections are held. The candidate in
177 each school board member district who receives a majority of the



178 votes cast by the qualified electors in that district shall be
179 elected. However, if no candidate receives a majority of the
180 votes, a runoff election shall be held two (2) weeks after the
181 election. The names of the candidate receiving the highest number
182 of votes and the candidate, or candidates in the event of a tie,
183 receiving the next highest vote for the office shall be placed on
184 the ballot in the runoff election. The person receiving the
185 highest number of votes cast by the qualified electors in the
186 runoff election shall be elected. All persons elected to serve on
187 the school board shall take office on the first Monday of January
188 next following the date of their election.

189 (6) Whenever there is a vacancy in the membership of the
190 school board, the vacancy shall be filled, depending upon the
191 length of the unexpired term of the vacated office, in the manner
192 provided under this subsection.

193 (a) If the unexpired term of the vacated office is six
194 (6) months or less, the remaining members of the school board
195 shall appoint, within sixty (60) days after the vacancy occurs, a
196 person to serve the unexpired portion of the term. The appointee
197 shall be selected from the qualified electors of the school board
198 member district in which the vacancy occurs. The chairman of the
199 school board shall certify to the Secretary of State the fact of
200 the appointment, and the Governor shall commission the person
201 appointed.

202 (b) If the unexpired term of the vacated office is
203 greater than six (6) months, an election shall be held to fill the
204 vacancy. The school board shall certify in writing the fact of
205 the vacancy to the governing authority of the municipality, if the
206 school district is a municipal separate school district or a
207 special municipal separate school district, or to the board of
208 supervisors in the case of all other school districts. At the
209 next regular meeting of the municipal governing authority or board
210 of supervisors, as the case may be, after its receipt of



211 certification of the vacancy from the school board, the municipal
212 governing authority or board of supervisors shall make and enter
213 on its minutes an order for an election to be held in the school
214 board member district in which the vacancy exists and shall fix
215 the date upon which the election shall be held, which date shall
216 not be less than thirty (30) days nor more than forty-five (45)
217 days after the date upon which the order is adopted.

218 The municipal governing authority or board of supervisors, as
219 the case may be, shall cause to be published notice of the
220 election in a newspaper of general circulation within the school
221 district once each week for three (3) successive weeks preceding
222 the date of the election. The first notice must be published at
223 least thirty (30) days before the date of the election. Notice
224 also shall be given by the school board by posting a copy of the
225 notice at three (3) public places in the school board member
226 district in which the vacancy exists and at the administrative
227 offices of the school board not less than twenty-one (21) days
228 before the date of the election.

229 Candidates for the vacated office shall file with the
230 municipal governing authority or the board of supervisors, as the
231 case may be, not less than ten (10) days before the date of the
232 election, a petition of nomination signed by at least fifty (50)
233 or twenty percent (20%) of the qualified electors of the school
234 board member district, whichever is less. The election shall be
235 held, as far as practicable, in the same manner as school board
236 elections are conducted under this section. The candidate who
237 receives a majority of the votes cast by the qualified electors in
238 the school board member district shall be elected. However, if no
239 candidate receives a majority of the votes, a runoff election
240 shall be held two (2) weeks after the election. The names of the
241 candidate receiving the highest number of votes and the candidate,
242 or candidates in the event of a tie, receiving the next highest
243 vote for the office shall be placed on the ballot in the runoff



244 election. The person receiving the highest number of votes cast
245 by the qualified electors in the runoff election shall be elected.
246 The clerk of the election commission shall give a certificate of
247 election to the person elected and shall return to the Secretary
248 of State a copy of the order of holding the election and its
249 results, certified by the clerk. The Governor shall commission
250 the person elected to serve the remainder of the unexpired term.

251 However, if nine (9) days before the date of the election
252 only one (1) person has qualified as a candidate, the municipal
253 governing authority or board of supervisors, as the case may be,
254 shall dispense with the election, and the remaining members of the
255 school board shall appoint that candidate to fill the unexpired
256 term. If no person has qualified at least nine (9) days before
257 the election, the election shall be dispensed with, and the
258 remaining members of the school board shall appoint a person,
259 selected from the qualified electors of the school board member
260 district in which the vacancy exists, to fill the unexpired term.
261 The chairman of the school board shall certify to the Secretary of
262 State the fact of the appointment, and the Governor shall
263 commission the person appointed.

264 **[Beginning on January 1, 2008, this section will read as**
265 **follows:]**

266 (1) The school board of each school district in the State of
267 Mississippi shall consist of five (5) members. The members of the
268 school board shall be elected from special school board member
269 districts in the manner provided under this section.

270 (2) The governing authority of a municipality having a
271 municipal separate school district or special municipal separate
272 school district shall apportion the school district, including any
273 added territory, into five (5) single school board member
274 districts. All other school districts shall be apportioned in the
275 same manner by the boards of supervisors. The school board member
276 districts must be as nearly equal as possible according to



277 population. The municipal governing authorities and boards of
278 supervisors shall submit the school board member district lines to
279 the Attorney General of the United States for preclearance or to
280 the United States District Court for the District of Columbia for
281 a declaratory judgment in accordance with the provisions of the
282 Voting Rights Act of 1965, as amended and extended. If the school
283 board member district lines in a school district are precleared by
284 the United States Department of Justice or approved by the United
285 States District Court, the municipal governing authority or board
286 of supervisors, as the case may be, and the school board of the
287 school district shall place upon their minutes the boundaries
288 established for the five (5) school board member districts, and
289 the school board shall publish the boundaries in a newspaper of
290 general circulation within the school district for at least three
291 (3) consecutive weeks. After having given notice of publication
292 and recording the publication upon the minutes of the school
293 board, the school board member district lines shall be effective.
294 As soon as practicable after the results of the 2010 federal
295 decennial census and every federal decennial census thereafter are
296 published, the municipal governing authorities and boards of
297 supervisors shall reapportion the school board member districts in
298 the manner prescribed in this subsection for the creation of the
299 original districts.

300 (3) In order for a person to be eligible to be elected to
301 serve on the school board, the person must be a bona fide resident
302 and qualified elector of the school board member district entitled
303 to such representation on the school board. Each member shall
304 serve for a term of four (4) years.

305 (4) On the first Tuesday after the first Monday in November
306 2007 and every four (4) years thereafter, the election of members
307 of all school boards in the State of Mississippi shall be held in
308 the same manner and at the same time as the general elections are
309 held.



310 (5) Candidates for the school board shall file with the
311 county election commissioners, not more than ninety (90) days nor
312 less than sixty (60) days before the date of the election, a
313 petition of nomination signed by at least fifty (50) or twenty
314 percent (20%) of the qualified electors of the school board member
315 district, whichever is less. The name of each qualified candidate
316 shall be placed on the ballot. The election shall be held in the
317 same manner as the general elections are held. The candidate in
318 each school board member district who receives a majority of the
319 votes cast by the qualified electors in that district shall be
320 elected. However, if no candidate receives a majority of the
321 votes, a runoff election shall be held two (2) weeks after the
322 election. The names of the candidate receiving the highest number
323 of votes and the candidate, or candidates in the event of a tie,
324 receiving the next highest vote for the office shall be placed on
325 the ballot in the runoff election. The person receiving the
326 highest number of votes cast by the qualified electors in the
327 runoff election shall be elected. All persons elected to serve on
328 the school board shall take office on the first Monday of January
329 next following the date of their election.

330 (6) Whenever there is a vacancy in the membership of the
331 school board, the vacancy shall be filled, depending upon the
332 length of the unexpired term of the vacated office, in the manner
333 provided under this subsection.

334 (a) If the unexpired term of the vacated office is six
335 (6) months or less, the remaining members of the school board
336 shall appoint, within sixty (60) days after the vacancy occurs, a
337 person to serve the unexpired portion of the term. The appointee
338 shall be selected from the qualified electors of the school board
339 member district in which the vacancy occurs. The chairman of the
340 school board shall certify to the Secretary of State the fact of
341 the appointment, and the Governor shall commission the person
342 appointed.



343 (b) If the unexpired term of the vacated office is
344 greater than six (6) months, an election shall be held to fill the
345 vacancy. The school board shall certify in writing the fact of
346 the vacancy to the governing authority of the municipality, if the
347 school district is a municipal separate school district or a
348 special municipal separate school district, or to the board of
349 supervisors in the case of all other school districts. At the
350 next regular meeting of the municipal governing authority or board
351 of supervisors, as the case may be, after its receipt of
352 certification of the vacancy from the school board, the municipal
353 governing authority or board of supervisors shall make and enter
354 on its minutes an order for an election to be held in the school
355 board member district in which the vacancy exists and shall fix
356 the date upon which the election shall be held, which date shall
357 not be less than thirty (30) days nor more than forty-five (45)
358 days after the date upon which the order is adopted.

359 The municipal governing authority or board of supervisors, as
360 the case may be, shall cause to be published notice of the
361 election in a newspaper of general circulation within the school
362 district once each week for three (3) successive weeks preceding
363 the date of the election. The first notice must be published at
364 least thirty (30) days before the date of the election. Notice
365 also shall be given by the school board by posting a copy of the
366 notice at three (3) public places in the school board member
367 district in which the vacancy exists and at the administrative
368 offices of the school board not less than twenty-one (21) days
369 before the date of the election.

370 Candidates for the vacated office shall file with the
371 municipal governing authority or the board of supervisors, as the
372 case may be, not less than ten (10) days before the date of the
373 election, a petition of nomination signed by at least fifty (50)
374 or twenty percent (20%) of the qualified electors of the school
375 board member district, whichever is less. The election shall be



376 held, as far as practicable, in the same manner as school board
377 elections are conducted under this section. The candidate who
378 receives a majority of the votes cast by the qualified electors in
379 the school board member district shall be elected. However, if no
380 candidate receives a majority of the votes, a runoff election
381 shall be held two (2) weeks after the election. The names of the
382 candidate receiving the highest number of votes and the candidate,
383 or candidates in the event of a tie, receiving the next highest
384 vote for the office shall be placed on the ballot in the runoff
385 election. The person receiving the highest number of votes cast
386 by the qualified electors in the runoff election shall be elected.
387 The clerk of the election commission shall give a certificate of
388 election to the person elected and shall return to the Secretary
389 of State a copy of the order of holding the election and its
390 results, certified by the clerk. The Governor shall commission
391 the person elected to serve the remainder of the unexpired term.

392 However, if nine (9) days before the date of the election
393 only one (1) person has qualified as a candidate, the municipal
394 governing authority or board of supervisors, as the case may be,
395 shall dispense with the election, and the remaining members of the
396 school board shall appoint that candidate to fill the unexpired
397 term. If no person has qualified at least nine (9) days before
398 the election, the election shall be dispensed with, and the
399 remaining members of the school board shall appoint a person,
400 selected from the qualified electors of the school board member
401 district in which the vacancy exists, to fill the unexpired term.
402 The chairman of the school board shall certify to the Secretary of
403 State the fact of the appointment, and the Governor shall
404 commission the person appointed.

405 **SECTION 2.** Section 37-5-7, Mississippi Code of 1972, is
406 amended as follows:

407 37-5-7. (1) Subject to the provisions of subsection (3) of
408 this section and Section 1 of House Bill No. , 2002 Regular



409 Session, on the first Tuesday after the first Monday in May, 1954,
410 an election shall be held in each county in this state in the same
411 manner as general state and county elections are held and
412 conducted, which election shall be held for the purpose of
413 electing the county boards of education established under the
414 provisions of this chapter. At such election, the members of the
415 said board from Supervisors Districts One and Two shall be elected
416 for the term expiring on the first Monday of January, 1957;
417 members of the board from Supervisors Districts Three and Four
418 shall be elected for a term expiring on the first Monday of
419 January, 1959; and the member of the board from Supervisors
420 District Five shall be elected for a term expiring on the first
421 Monday of January, 1955. Except as otherwise provided in
422 subsection (2), all subsequent members of the board shall be
423 elected for a term of six (6) years at the regular general
424 election held on the first Monday in November next preceding the
425 expiration of the term of office of the respective member or
426 members of such board. All members of the county board of
427 education as herein constituted, shall take office on the first
428 Monday of January following the date of their election.

429 (2) Subject to the provisions of subsection (3) of this
430 section and Section 1 of House Bill No. _____, 2002 Regular
431 Session, on the first Tuesday after the first Monday in November,
432 in any year in which any county shall elect to utilize the
433 authority contained in Section 37-5-1(2), an election shall be
434 held in each such county in this state for the purpose of electing
435 the county boards of education in such counties. At said election
436 the members of the said county board of education from Districts
437 One and Two shall be elected for a term of four (4) years, the
438 members from Districts Three and Four shall be elected for a term
439 of six (6) years, and the member from District Five shall be
440 elected for a term of (2) years. Thereafter, members shall be
441 elected at general elections as vacancies occur for terms of six



442 (6) years each. All members of the county board of education
443 shall take office on the first Monday of January following the
444 date of their election.

445 (3) Notwithstanding the provisions of this section, in order
446 to provide for an orderly transition in the membership of the
447 county boards of education from those members elected under the
448 laws in effect before the effective date of House Bill No. _____,
449 2002 Regular Session, to members elected under the provisions of
450 House Bill No. _____, 2002 Regular Session, the election schedule
451 prescribed in Section 1 of House Bill No. _____, 2002 Regular
452 Session shall be followed, and the terms of office of the school
453 board members elected under this section shall expire according to
454 that prescribed schedule, at which time the respective member's
455 duly elected successor shall take office.

456 (4) This section shall be repealed on January 1, 2008.

457 **SECTION 3.** Section 37-7-203, Mississippi Code of 1972, is
458 amended as follows:

459 37-7-203. (1) Subject to the provisions of subsection (3)
460 of this section and Section 1 of House Bill No. _____, 2002 Regular
461 Session, the boards of trustees of all municipal separate school
462 districts created under the provisions of Article 1 of this
463 chapter, either with or without added territory, shall consist of
464 five (5) members, each to be chosen for a term of five (5) years,
465 but so chosen that the term of office of one (1) member shall
466 expire each year. In the event the added territory of a municipal
467 separate school district furnishes fifteen percent (15%) or more
468 of the pupils enrolled in the schools of such district, then at
469 least one (1) member of the board of trustees of such school
470 district shall be a resident of the added territory outside the
471 corporate limits. In the event the added territory of a municipal
472 separate school district furnishes thirty percent (30%) or more of
473 the pupils enrolled in the schools of such district, then not more
474 than two (2) members of the board of trustees of such school



475 district shall be residents of the added territory outside the
476 corporate limits. In the event the added territory of a municipal
477 separate school district in a county in which Mississippi Highways
478 8 and 15 intersect furnishes thirty percent (30%) or more of the
479 pupils enrolled in the schools of such district, then the five (5)
480 members of the board of trustees of such school district shall be
481 elected at large from such school district for a term of five (5)
482 years each except that the two (2) elected trustees presently
483 serving on such board shall continue to serve for their respective
484 terms of office. The three (3) appointed trustees presently
485 serving on such board shall continue to serve until their
486 successors are elected in March of 1975 in the manner provided for
487 in Section 37-7-215. At such election, one (1) trustee shall be
488 elected for a term of two (2) years, one (1) for a term of three
489 (3) years and one (1) for a term of five (5) years. Subsequent
490 terms for each successor trustee shall be for five (5) years. In
491 the event one (1) of two (2) municipal separate school districts
492 located in any county with two (2) judicial districts, District 1
493 being comprised of Supervisors Districts 1, 2, 4 and 5, and
494 District 2 being comprised of Supervisors District 3, with added
495 territory embraces three (3) full supervisors districts of a
496 county, one (1) trustee shall be elected from each of the three
497 (3) supervisors districts outside the corporate limits of the
498 municipality. In the further event that the territory of a
499 municipal separate school district located in any county with two
500 (2) judicial districts, District 1 being comprised of Supervisors
501 Districts 1, 2, 4 and 5, and District 2 being comprised of
502 Supervisors District 3, with added territory embraces four (4)
503 full supervisors districts in the county, and in any county in
504 which a municipal separate school district embraces the entire
505 county in which Highways 14 and 15 intersect, one (1) trustee
506 shall be elected from each supervisors district.



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

521 In the event that a portion of a county school district is
522 reconstituted, in the manner provided by law, into a municipal
523 separate school district with added territory and in the event
524 that the trustees to be elected from the added territory are
525 requested to be elected from separate election districts within
526 the added territory, instead of elected at-large, by the Attorney
527 General of the United States as a result of and pursuant to
528 preclearance under Section 5 of the Voting Rights Act of 1965, as
529 amended and extended, and in the event the added territory of a
530 municipal separate school district of a municipality furnishes
531 thirty percent (30%) or more of the pupils enrolled in the schools
532 of such district, then two (2) members of the board of trustees
533 shall be residents of the added territory outside the corporate
534 limits of such municipality and shall be elected from special
535 trustee election districts by the qualified electors thereof as
536 herein provided. The governing authorities of such municipality
537 shall apportion the added territory into two (2) special trustee
538 election districts as nearly as possible according to population
539 and other factors heretofore pronounced by the courts. The



540 governing authorities of such municipality shall thereafter
541 publish the same in a newspaper of general circulation within said
542 school district for at least two (2) consecutive weeks; and after
543 having given notice of publication and recording the same upon the
544 minutes of the governing authorities, said new district lines
545 shall thereafter be effective. Any person elected from the new
546 trustee election districts constituted herein shall be elected in
547 the manner provided for in Section 37-7-215 for a term of five (5)
548 years. Any vacancy in the office of a trustee elected from such
549 trustee election district, whether occasioned by redistricting or
550 by other cause, shall be filled by appointment of the governing
551 authorities of the municipality, provided that the person so
552 appointed shall serve only until the first Saturday of March
553 following his appointment, at which time a person shall be elected
554 for the remainder of the unexpired term in the manner provided in
555 Section 37-7-215.

556 In any county organizing a countywide municipal separate
557 school district after January 1, 1965, the trustees thereof to be
558 elected from outside the municipality, such trustees shall be
559 elected by the board of supervisors of such county, and the
560 superintendent of such school district shall have authority to pay
561 out and distribute the funds of said district. In the event a
562 municipal separate school district should occupy territory in a
563 county other than that in which the municipality is located and
564 fifteen percent (15%) or more of the pupils enrolled in the
565 schools of such district shall come from the territory of the
566 district in the county other than that in which the municipality
567 is located, the territory of such county in which the municipality
568 is not located shall be entitled to one (1) member on the board of
569 trustees of such school district. Said trustee shall be a
570 resident of the territory of that part of the district lying in
571 the county in which the municipality is not located and shall be
572 elected by the qualified electors of the territory of such county



573 at the same time and in the same manner as is provided for the
574 election of trustees of school districts other than municipal
575 separate school districts having territory in two (2) or more
576 counties.

577 All vacancies shall be filled for the unexpired terms by
578 appointment of the governing authorities of the municipality;
579 except that in the case of the trustees coming from the added
580 territory outside the corporate limits, the person so appointed
581 shall serve only until the first Saturday of March following his
582 appointment, at which time a person shall be elected for the
583 remainder of the unexpired term in the manner otherwise provided
584 herein.

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

592 (2) Subject to the provisions of subsection (3) of this
593 section and Section 1 of House Bill No. , 2002 Regular
594 Session, in counties of less than fifteen thousand (15,000) people
595 having a municipal separate school district with added territory
596 which embraces all the territory of a county, one (1) or more
597 trustees of such district shall be nominated from each supervisors
598 district upon petition of fifty (50) qualified electors of said
599 district, or twenty percent (20%) of the qualified electors of
600 such district, whichever number shall be smaller, and shall be
601 elected by a plurality of the vote of the qualified electors of
602 said county. One (1) trustee so elected shall reside in each
603 supervisors district of the county. In such counties embraced
604 entirely by a municipal separate school district there shall be no
605 county board of education after the formation of such district and



606 the county superintendent of education shall act as superintendent
607 of schools of said district and shall be appointed by the board of
608 trustees of said district, and the provisions of subsection (1) of
609 this section and the first paragraph of Section 37-7-211 shall not
610 apply to such districts.

611 (3) Notwithstanding the provisions of this section, in order
612 to provide for an orderly transition in the membership of the
613 boards of trustees of municipal separate school districts from
614 those members appointed or elected under the laws in effect before
615 the effective date of House Bill No. _____, 2002 Regular Session, to
616 members elected under the provisions of House Bill No. _____, 2002
617 Regular Session, the election schedule prescribed in Section 1 of
618 House Bill No. _____, 2002 Regular Session shall be followed, and
619 the terms of office of the school board members appointed or
620 elected under this section shall expire according to that
621 prescribed schedule, at which time the respective member's duly
622 elected successor shall take office.

623 (4) This section shall be repealed on January 1, 2008.

624 **SECTION 4.** Section 37-7-207, Mississippi Code of 1972, is
625 amended as follows:

626 **[Until such time as Section 1 of Laws, 1990, chapter 567, is**
627 **effectuated under Section 5 of the Voting Rights Act of 1965, as**
628 **amended and extended, this section will read as follows:]**

629 37-7-207. (1) Subject to the provisions of subsection (3)
630 of this section and Section 1 of House Bill No. _____, 2002 Regular
631 Session, all school districts reconstituted or created under the
632 provisions of Article 1 of this chapter, and which lie wholly
633 within one (1) county, but not including municipal separate and
634 countywide districts, shall be governed by a board of five (5)
635 trustees. The first board of trustees of such districts shall be
636 appointed by the county board of education, and the original
637 appointments shall be so made that one (1) trustee shall be
638 appointed to serve until the first Saturday of March following



639 such appointments, one (1) for one (1) year longer, one (1) for
640 two (2) years longer, one (1) for three (3) years longer, and one
641 (1) for four (4) years longer. After such original appointments,
642 the trustees of such school districts shall be elected by the
643 qualified electors of such school districts in the manner provided
644 for in Sections 37-7-223 through 37-7-229, with each trustee to be
645 elected for a term of five (5) years. The five (5) members of the
646 board of trustees of such consolidated school district shall be
647 elected from special trustee election districts by the qualified
648 electors thereof, as herein provided. Upon request of the board
649 of trustees of any consolidated school district, the board of
650 supervisors of such county shall apportion the consolidated school
651 district into five (5) special trustee election districts. The
652 board of supervisors shall place upon its minutes the boundaries
653 determined for the new five (5) trustee election districts. The
654 board of supervisors shall thereafter publish the same in a
655 newspaper of general circulation within said school district for
656 at least three (3) consecutive weeks; and after having given
657 notice of publication and recording the same upon the minutes of
658 the board of supervisors, said new district lines shall thereafter
659 be effective.

660 On the first Tuesday after the first Monday in November, in
661 any year in which any consolidated school district shall elect to
662 utilize the authority to create single member election districts,
663 an election shall be held in each such district in this state for
664 the purpose of electing the board of trustees of such district. At
665 said election the member of the said board from District One shall
666 be elected for a term of one (1) year, the member from District
667 Two shall be elected for a term of two (2) years, the member from
668 District Three shall be elected for a term of three (3) years, the
669 member from District Four shall be elected for a term of four (4)
670 years, and the member from District Five shall be elected for a
671 term of five (5) years. Thereafter, members shall be elected at



672 general elections as vacancies occur for terms of five (5) years
673 each. Trustees elected from single member election districts as
674 provided above shall otherwise be elected as provided for in
675 Sections 37-7-223 through 37-7-229. All members of the said board
676 of trustees shall take office on the first Monday of January
677 following the date of their election. All vacancies which may
678 occur during a term shall be filled by appointment of the
679 consolidated school district trustees, but the person so appointed
680 shall serve only until the next general election following such
681 appointment, at which time a person shall be elected for the
682 remainder of the unexpired term at the same time and in the same
683 manner as a trustee is elected for the full term then expiring.
684 The person so elected to the unexpired term shall take office
685 immediately. Said appointee shall be selected from the qualified
686 electors of the district in which the vacancy occurs.

687 (2) Subject to the provisions of subsection (3) of this
688 section and Section 1 of House Bill No. _____, 2002 Regular
689 Session, all school districts reconstituted and created under the
690 provisions of Article 1 of this chapter, which embrace territory
691 in two (2) or more counties, but not including municipal separate
692 school districts, shall be governed by a board of five (5)
693 trustees. In making the original appointments, the several county
694 boards of education shall appoint the trustee or trustees to which
695 the territory in such county is entitled, and, by agreement
696 between the county boards concerned, one (1) person shall be
697 appointed to serve until the first Saturday of March following,
698 one (1) for one (1) year longer, one (1) for two (2) years longer,
699 one (1) for three (3) years longer and one (1) for four (4) years
700 longer. Thereafter, such trustees shall be elected as is provided
701 for in Sections 37-7-223 through 37-7-229, for a term of five (5)
702 years. The five (5) members of the board of trustees of such line
703 consolidated school district shall be elected from special trustee
704 election districts by the qualified electors thereof, as herein



705 provided. Upon request by the board of trustees of any line
706 consolidated school district, the boards of supervisors of such
707 counties shall apportion the line consolidated school district
708 into five (5) special trustee election districts. The boards of
709 supervisors shall place upon their minutes the boundaries
710 determined for the new five (5) trustee election districts. The
711 boards of supervisors shall thereafter publish the same in a
712 newspaper of general circulation within said school district for
713 at least three (3) consecutive weeks; and after having given
714 notice of publication and recording the same upon the minutes of
715 the boards of supervisors, said new district lines shall
716 thereafter be effective.

717 On the first Tuesday after the first Monday in November, in
718 any year in which any line consolidated school district shall
719 elect to utilize the authority to create single member election
720 districts, an election shall be held in each such district in this
721 state for the purpose of electing the board of trustees of such
722 district. At said election the member of the said board from
723 District One shall be elected for a term of one (1) year, the
724 member from District Two shall be elected for a term of two (2)
725 years, the member from District Three shall be elected for a term
726 of three (3) years, the member from District Four shall be elected
727 for a term of four (4) years, and the member from District Five
728 shall be elected for a term of five (5) years. Thereafter,
729 members shall be elected at general elections as vacancies occur
730 for terms of five (5) years each. Trustees elected from single
731 member election districts as provided above shall otherwise be
732 elected as provided for in Sections 37-7-223 through 37-7-229. All
733 members of the said board of trustees shall take office on the
734 first Monday of January following the date of their election. In
735 all elections, the trustee elected shall be a resident and
736 qualified elector of the district entitled to the representation
737 upon the board, and he shall be elected only by the qualified



738 electors of such district. All vacancies which may occur during a
739 term of office shall be filled by appointment of the consolidated
740 line school district trustees, but the person so appointed shall
741 serve only until the next general election following such
742 appointment, at which time a person shall be elected for the
743 remainder of the unexpired term at the same time and in the same
744 manner as the trustee is elected for the full term then expiring.
745 The person so elected to the unexpired term shall take office
746 immediately.

747 (3) Notwithstanding the provisions of this section, in order
748 to provide for an orderly transition in the membership of the
749 boards of trustees of consolidated school districts from those
750 members elected under the laws in effect before the effective date
751 of House Bill No. , 2002 Regular Session, to members elected
752 under the provisions of House Bill No. , 2002 Regular Session,
753 the election schedule prescribed in Section 1 of House Bill No.
754 , 2002 Regular Session shall be followed, and the terms of
755 office of the school board members elected under this section
756 shall expire according to that prescribed schedule, at which time
757 the respective member's duly elected successor shall take office.

758 (4) This section shall be repealed on January 1, 2008.

759 **[From and after such time as Section 1 of Laws, 1990, Chapter**
760 **567, is effectuated under Section 5 of the Voting Rights Act of**
761 **1965, as amended and extended, this section will read as follows:]**

762 37-7-207. (1) Subject to the provisions of subsection (3)
763 of this section and Section 1 of House Bill No. , 2002 Regular
764 Session, all school districts reconstituted or created under the
765 provisions of Article 1 of this chapter, and which lie wholly
766 within one (1) county, but not including municipal separate and
767 countywide districts, shall be governed by a board of five (5)
768 trustees. The first board of trustees of such districts shall be
769 appointed by the county board of education, and the original
770 appointments shall be so made that one (1) trustee shall be



771 appointed to serve until the first Saturday of March following
772 such appointments, one (1) for one (1) year longer, one (1) for
773 two (2) years longer, one (1) for three (3) years longer, and one
774 (1) for four (4) years longer. After such original appointments,
775 the trustees of such school districts shall be elected by the
776 qualified electors of such school districts in the manner provided
777 for in Sections 37-7-223 through 37-7-229, Mississippi Code of
778 1972, with each trustee to be elected for a term of five (5)
779 years. The five (5) members of the board of trustees of such
780 consolidated school district may be elected from special trustee
781 election districts by the qualified electors thereof, as herein
782 provided. Upon request of the board of trustees of any
783 consolidated school district, the board of supervisors of such
784 county shall apportion the consolidated school district into five
785 (5) special trustee election districts. The board of supervisors
786 shall place upon its minutes the boundaries determined for the new
787 five (5) trustee election districts. The board of supervisors
788 shall thereafter publish the same in a newspaper of general
789 circulation within said school district for at least three (3)
790 consecutive weeks; and after having given notice of publication
791 and recording the same upon the minutes of the board of
792 supervisors, said new district lines shall thereafter be
793 effective.

794 On the first Tuesday after the first Monday in November, in
795 any year in which any consolidated school district shall elect to
796 utilize the authority to create single member election districts,
797 an election shall be held in each such district in this state for
798 the purpose of electing the board of trustees of such district. At
799 said election the member of the said board from District One shall
800 be elected for a term of one (1) year, the member from District
801 Two shall be elected for a term of two (2) years, the member from
802 District Three shall be elected for a term of three (3) years, the
803 member from District Four shall be elected for a term of four (4)



804 years, and the member from District Five shall be elected for a
805 term of five (5) years. Thereafter, members shall be elected at
806 general elections as vacancies occur for terms of five (5) years
807 each. Trustees elected from single member election districts as
808 provided above shall otherwise be elected as provided for in
809 Sections 37-7-223 through 37-7-229, Mississippi Code of 1972. All
810 members of the said board of trustees shall take office on the
811 first Monday of January following the date of their election. All
812 vacancies which may occur during a term shall be filled by
813 appointment of the consolidated school district trustees, but the
814 person so appointed shall serve only until the next general
815 election following such appointment, at which time a person shall
816 be elected for the remainder of the unexpired term at the same
817 time and in the same manner as a trustee is elected for the full
818 term then expiring. The person so elected to the unexpired term
819 shall take office immediately. Said appointee shall be selected
820 from the qualified electors of the district in which the vacancy
821 occurs.

822 (2) Subject to the provisions of subsection (3) of this
823 section and Section 1 of House Bill No. _____, 2002 Regular
824 Session, all school districts reconstituted and created under the
825 provisions of Article 1 of this chapter, which embrace territory
826 in two (2) or more counties, but not including municipal separate
827 school districts, shall be governed by a board of five (5)
828 trustees. In making the original appointments, the several county
829 boards of education shall appoint the trustee or trustees to which
830 the territory in such county is entitled, and, by agreement
831 between the county boards concerned, one (1) person shall be
832 appointed to serve until the first Saturday of March following
833 such appointments, one (1) for one (1) year longer, one (1) for
834 two (2) years longer, one (1) for three (3) years longer and one
835 (1) for four (4) years longer. Thereafter, such trustees shall be
836 elected as is provided for in Sections 37-7-223 through 37-7-229,



837 Mississippi Code of 1972, for a term of five (5) years. The five
838 (5) members of the board of trustees of such line consolidated
839 school district may be elected from special trustee election
840 districts by the qualified electors thereof, as herein provided.
841 Upon request by the board of trustees of any line consolidated
842 school district, the boards of supervisors of such counties shall
843 apportion the line consolidated school district into five (5)
844 special trustee election districts. The boards of supervisors
845 shall place upon their minutes the boundaries determined for the
846 new five (5) trustee election districts. The boards of
847 supervisors shall thereafter publish the same in a newspaper of
848 general circulation within said school district for at least three
849 (3) consecutive weeks; and after having given notice of
850 publication and recording the same upon the minutes of the boards
851 of supervisors, said new district lines shall thereafter be
852 effective.

853 On the first Tuesday after the first Monday in November, in
854 any year in which any line consolidated school district shall
855 elect to utilize the authority to create single member election
856 districts, an election shall be held in each such district in this
857 state for the purpose of electing the board of trustees of such
858 district. At said election the member of the said board from
859 District One shall be elected for a term of one (1) year, the
860 member from District Two shall be elected for a term of two (2)
861 years, the member from District Three shall be elected for a term
862 of three (3) years, the member from District Four shall be elected
863 for a term of four (4) years, and the member from District Five
864 shall be elected for a term of five (5) years. Thereafter,
865 members shall be elected at general elections as vacancies occur
866 for terms of five (5) years each. Trustees elected from single
867 member election districts as provided above shall otherwise be
868 elected as provided for in Sections 37-7-223 through 37-7-229,
869 Mississippi Code of 1972. All members of the said board of



870 trustees shall take office on the first Monday of January
871 following the date of their election. In all such elections, the
872 trustee elected shall be a resident and qualified elector of the
873 district entitled to the representation upon the board, and he
874 shall be elected only by the qualified electors of such district.
875 All vacancies which may occur during a term of office shall be
876 filled by appointment of the consolidated line school district
877 trustees, but the person so appointed shall serve only until the
878 next general election following such appointment, at which time a
879 person shall be elected for the remainder of the unexpired term at
880 the same time and in the same manner as the trustee is elected for
881 the full term then expiring. The person so elected to the
882 unexpired term shall take office immediately.

883 (3) Notwithstanding the provisions of this section, in order
884 to provide for an orderly transition in the membership of the
885 boards of trustees of consolidated school districts from those
886 members elected under the laws in effect before the effective date
887 of House Bill No. _____, 2002 Regular Session, to members elected
888 under the provisions of House Bill No. _____, 2002 Regular Session,
889 the election schedule prescribed in Section 1 of House Bill No.
890 _____, 2002 Regular Session shall be followed, and the terms of
891 office of the school board members elected under this section
892 shall expire according to that prescribed schedule, at which time
893 the respective member's duly elected successor shall take office.

894 (4) This section shall be repealed on January 1, 2008.

895 **SECTION 5.** Section 37-7-707, Mississippi Code of 1972, is
896 amended as follows:

897 37-7-707. In all such special municipal separate school
898 districts which may be so organized, reorganized or reconstituted
899 to embrace the entire county in which the majority of the
900 inhabitants of the county reside outside the corporate limits of
901 the municipality, the board of trustees of such district shall be
902 composed of five (5) members, one (1) of whom shall be a resident



903 qualified elector of each supervisors district of the county.
904 Said trustees shall be elected from the county at large by the
905 qualified electors of the county at the first regular general
906 election following the approval by the State Board of Education
907 of the organization of such district. Such trustees shall take
908 office on the first Monday of January following their election.

909 At such election the members of the said board from
910 supervisors districts one and five shall be elected for a term of
911 six (6) years, the members from districts three and four shall be
912 elected for a term of four (4) years, and the members from
913 district two shall be elected for a term of two (2) years.

914 Thereafter members shall be elected at regular general elections
915 as vacancies occur for terms of six (6) years each and shall take
916 office on the first Monday of January after their election.

917 Notwithstanding the provisions of this section, in order to
918 provide for an orderly transition in the membership of the boards
919 of trustees of special municipal separate school districts
920 embracing an entire county, in which a majority of the inhabitants
921 of the county reside outside the corporate limits of the
922 municipality, from those members elected under the laws in effect
923 before the effective date of House Bill No. _____, 2002 Regular
924 Session, to members elected under the provisions of House Bill No.
925 _____, 2002 Regular Session, the election schedule prescribed in
926 Section 1 of House Bill No. _____, 2002 Regular Session shall be
927 followed, and the terms of office of the school board members
928 elected under this section shall expire according to that
929 prescribed schedule, at which time the respective member's duly
930 elected successor shall take office.

931 This section shall be repealed on January 1, 2008.

932 **SECTION 6.** Sections 37-5-1, 37-5-3, 37-5-9, 37-5-18 and
933 37-5-19, Mississippi Code of 1972, which establish the county
934 board of education and provide for the qualifications and election



935 of board members and filling of vacancies on the board, are
936 repealed.

937 **SECTION 7.** Section 37-7-201, Mississippi Code of 1972, which
938 establishes the qualifications for the office of school board
939 member, is repealed.

940 **SECTION 8.** Section 37-7-204, Mississippi Code of 1972,
941 which provides for the appointment of interim board members to
942 fill certain vacancies on the school boards of countywide
943 municipal separate school districts, is repealed.

944 **SECTION 9.** Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,
945 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
946 certain methods for electing trustees from added territory of
947 municipal separate school districts, are repealed.

948 **SECTION 10.** Sections 37-7-221, 37-7-223, 37-7-225, 37-7-227
949 and 37-7-229, Mississippi Code of 1972, which provide a procedure
950 for the election of consolidated or consolidated line school
951 district trustees, are repealed.

952 **SECTION 11.** Section 37-7-703, Mississippi Code of 1972,
953 which provides the procedure for selecting trustees in special
954 municipal separate school districts that embrace the entire
955 county, shall be repealed on January 1, 2008.

956 **SECTION 12.** Section 37-7-705, Mississippi Code of 1972,
957 which provides the procedure for selecting trustees in special
958 municipal separate school districts that embrace the entire county
959 and in which a majority of the inhabitants of the county reside
960 outside the corporate limits of the municipality, is repealed.

961 **SECTION 13.** Sections 37-7-709, 37-7-711, 37-7-713, 37-7-715
962 and 37-7-717, Mississippi Code of 1972, which provide various
963 methods for selecting trustees of special municipal separate
964 school districts and filling vacancies on such school boards, are
965 repealed.

966 **SECTION 14.** Section 37-7-723, Mississippi Code of 1972,
967 which provides that in special municipal separate school districts



968 embracing an entire county, the school board of the special
969 municipal separate school district supersedes the county board of
970 education, is repealed.

971 **SECTION 15.** The Attorney General of the State of Mississippi
972 shall submit this act, immediately upon approval by the Governor,
973 or upon approval by the Legislature subsequent to a veto, to the
974 Attorney General of the United States or to the United States
975 District Court for the District of Columbia in accordance with the
976 provisions of the Voting Rights Act of 1965, as amended and
977 extended.

978 **SECTION 16.** This act shall take effect and be in force from
979 and after January 1, 2003, if it is effectuated on or before that
980 date under Section 5 of the Voting Rights Act of 1965, as amended
981 and extended. If it is effectuated under Section 5 of the Voting
982 Rights Act of 1965, as amended and extended, after January 1,
983 2003, this act shall take effect and be in force from and after
984 the date it is effectuated under Section 5 of the Voting Rights
985 Act of 1965, as amended and extended.

