

By: Representative Frierson

To: Education; Apportionment
and Elections

HOUSE BILL NO. 1073

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 THOSE 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 2007 GENERAL ELECTION, AND TO PRESCRIBE
 11 THE MANNER IN WHICH VACANCIES ON THE SCHOOL BOARDS SHALL BE
 12 FILLED; TO 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 2004,
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 authorities 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 United States Department of Justice for preclearance or to the
63 United States District Court for the District of Columbia for a
64 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 authorities or
69 board of supervisors, as the case may be, and the school board of
70 the 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. _____, 2004 Regular Session, to

81 members elected under the provisions of House Bill No. _____, 2004
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 2004, 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 2004. The term of office
88 of this member which is scheduled to expire in 2004 shall be
89 extended until the first Monday of January 2005, at which time the
90 member's duly elected successor shall take office. The member
91 elected in November 2004 must be a resident of the school board
92 member district in which the member whose term expires in January
93 2005 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 2005, 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 2005. The term of office of this member
100 which is scheduled to expire in 2005 shall be extended until the
101 first Monday of January 2006, at which time the member's duly
102 elected successor shall take office. The member elected in
103 November 2005 must be a resident of the school board member
104 district in which the member whose term expires in January 2006
105 resides; however, if the member whose term expires in January 2006
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 yet been
110 filled under this section. The initial term of office of this
111 elected member of the school board shall expire on the first
112 Monday of January 2008.

113 (c) On the first Tuesday after the first Monday in
114 November 2006, 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 2006. The term of office of this member
117 which is scheduled to expire in 2006 shall be extended until the
118 first Monday of January 2007, at which time the member's duly
119 elected successor shall take office. The member elected in
120 November 2006 must be a resident of the school board member
121 district in which the member whose term expires in January 2007
122 resides; however, if the member whose term expires in January 2007
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 yet been
127 filled under this section. The initial term of office of this
128 elected member of the school board shall expire on the first
129 Monday of January 2008.

130 (d) The term of office of any school board member which
131 is scheduled to expire in 2007 shall be extended until the first
132 Monday of January 2008, at which time the member's duly elected
133 successor shall take office. The term of each member of the
134 school board serving on the date that House Bill No. ____, 2004
135 Regular Session, becomes effective that otherwise would expire
136 after the first Monday in January 2008, shall expire on the first
137 Monday of January 2008.

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

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

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

149 (5) Candidates for the school board shall file with the
150 county election commissioners, not more than ninety (90) days nor
151 less than sixty (60) days before the date of the election, a
152 petition of nomination signed by at least fifty (50) or twenty
153 percent (20%) of the qualified electors of the school board member
154 district, whichever is less. The name of each qualified candidate
155 shall be placed on the ballot. The candidate in each school board
156 member district who receives a majority of the votes cast by the
157 qualified electors in that district shall be elected. However, if
158 no candidate receives a majority of the votes, a runoff election
159 shall be held two (2) weeks after the election. The names of the
160 candidate receiving the highest number of votes and the candidate,
161 or candidates in the event of a tie, receiving the next highest
162 vote for the office shall be placed on the ballot in the runoff
163 election. The person receiving the highest number of votes cast
164 by the qualified electors in the runoff election shall be elected.
165 All persons elected to serve on the school board shall take office
166 on the first Monday of January next following the date of their
167 election.

168 (6) Whenever there is a vacancy in the membership of the
169 school board, the vacancy shall be filled, depending upon the
170 length of the unexpired term of the vacated office, in the manner
171 provided under this subsection.

172 (a) If the unexpired term of the vacated office is six
173 (6) months or less, the remaining members of the school board
174 shall appoint, within sixty (60) days after the vacancy occurs, a
175 person to serve the unexpired portion of the term. The appointee
176 shall be selected from the qualified electors of the school board
177 member district in which the vacancy occurs. The chairman of the

178 school board shall certify to the Secretary of State the fact of
179 the appointment, and the Governor shall commission the person
180 appointed.

181 (b) If the unexpired term of the vacated office is
182 greater than six (6) months, an election shall be held to fill the
183 vacancy. The school board shall certify in writing the fact of
184 the vacancy to the municipal governing authorities, if the school
185 district is a municipal separate school district or a special
186 municipal separate school district, or to the board of supervisors
187 in the case of all other school districts. At the next regular
188 meeting of the municipal governing authorities or board of
189 supervisors, as the case may be, after its receipt of
190 certification of the vacancy from the school board, the municipal
191 governing authorities or board of supervisors shall make and enter
192 on its minutes an order for an election to be held in the school
193 board member district in which the vacancy exists and shall fix
194 the date upon which the election shall be held, which date shall
195 not be less than thirty (30) days nor more than forty-five (45)
196 days after the date upon which the order is adopted.

197 The municipal governing authorities or board of supervisors,
198 as the case may be, shall publish notice of the election in a
199 newspaper of general circulation within the school district once
200 each week for three (3) successive weeks preceding the date of the
201 election. The first notice must be published at least thirty (30)
202 days before the date of the election. Notice also shall be given
203 by the school board by posting a copy of the notice at three (3)
204 public places in the school board member district in which the
205 vacancy exists and at the administrative offices of the school
206 board not less than twenty-one (21) days before the date of the
207 election.

208 Candidates for the vacated office shall file with the
209 municipal governing authorities or the board of supervisors, as
210 the case may be, not less than ten (10) days before the date of

211 the election, a petition of nomination signed by at least fifty
212 (50) or twenty percent (20%) of the qualified electors of the
213 school board member district, whichever is less. The election
214 shall be held, as far as practicable, in the same manner as school
215 board elections are conducted under this section. The candidate
216 who receives a majority of the votes cast by the qualified
217 electors in the school board member district shall be elected.
218 However, if no candidate receives a majority of the votes, a
219 runoff election shall be held two (2) weeks after the election.
220 The names of the candidate receiving the highest number of votes
221 and the candidate, or candidates in the event of a tie, receiving
222 the next highest vote for the office shall be placed on the ballot
223 in the runoff election. The person receiving the highest number
224 of votes cast by the qualified electors in the runoff election
225 shall be elected. The clerk of the election commission shall give
226 a certificate of election to the person elected and shall return
227 to the Secretary of State a copy of the order of holding the
228 election and its results, certified by the clerk. The Governor
229 shall commission the person elected to serve the remainder of the
230 unexpired term.

231 However, if nine (9) days before the date of the election
232 only one (1) person has qualified as a candidate, the municipal
233 governing authorities or board of supervisors, as the case may be,
234 shall dispense with the election, and the remaining members of the
235 school board shall appoint that candidate to fill the unexpired
236 term. If no person has qualified at least nine (9) days before
237 the election, the election shall be dispensed with, and the
238 remaining members of the school board shall appoint a person,
239 selected from the qualified electors of the school board member
240 district in which the vacancy exists, to fill the unexpired term.
241 The chairman of the school board shall certify to the Secretary of
242 State the fact of the appointment, and the Governor shall
243 commission the person appointed.

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

246 (1) The school board of each school district in the State of
247 Mississippi shall consist of five (5) members. The members of the
248 school board shall be elected from special school board member
249 districts in the manner provided under this section.

250 (2) The governing authorities of a municipality having a
251 municipal separate school district or special municipal separate
252 school district shall apportion the school district, including any
253 added territory, into five (5) single school board member
254 districts. All other school districts shall be apportioned in the
255 same manner by the boards of supervisors. The school board member
256 districts must be as nearly equal as possible according to
257 population. The municipal governing authorities and boards of
258 supervisors shall submit the school board member district lines to
259 the United States Department of Justice for preclearance or to the
260 United States District Court for the District of Columbia for a
261 declaratory judgment in accordance with the provisions of the
262 Voting Rights Act of 1965, as amended and extended. If the school
263 board member district lines in a school district are precleared by
264 the United States Department of Justice or approved by the United
265 States District Court, the municipal governing authorities or
266 board of supervisors, as the case may be, and the school board of
267 the school district shall place upon their minutes the boundaries
268 established for the five (5) school board member districts, and
269 the school board shall publish the boundaries in a newspaper of
270 general circulation within the school district for at least three
271 (3) consecutive weeks. After having given notice of publication
272 and recording the publication upon the minutes of the school
273 board, the school board member district lines shall be effective.
274 As soon as practicable after the results of the 2010 federal
275 decennial census and every federal decennial census thereafter are
276 published, the municipal governing authorities and boards of

277 supervisors shall reapportion the school board member districts in
278 the manner prescribed in this subsection for the creation of the
279 original districts.

280 (3) In order for a person to be eligible to be elected to
281 serve on the school board, the person must be a bona fide resident
282 and qualified elector of the school board member district entitled
283 to such representation on the school board. Each member shall
284 serve for a term of four (4) years.

285 (4) On the first Tuesday after the first Monday in November
286 2007 and every four (4) years thereafter, the election of members
287 of all school boards in the State of Mississippi shall be held in
288 the same manner and at the same time as the general elections are
289 held and conducted.

290 (5) Candidates for the school board shall file with the
291 county election commissioners, not more than ninety (90) days nor
292 less than sixty (60) days before the date of the election, a
293 petition of nomination signed by at least fifty (50) or twenty
294 percent (20%) of the qualified electors of the school board member
295 district, whichever is less. The name of each qualified candidate
296 shall be placed on the ballot. The candidate in each school board
297 member district who receives a majority of the votes cast by the
298 qualified electors in that district shall be elected. However, if
299 no candidate receives a majority of the votes, a runoff election
300 shall be held two (2) weeks after the election. The names of the
301 candidate receiving the highest number of votes and the candidate,
302 or candidates in the event of a tie, receiving the next highest
303 vote for the office shall be placed on the ballot in the runoff
304 election. The person receiving the highest number of votes cast
305 by the qualified electors in the runoff election shall be elected.
306 All persons elected to serve on the school board shall take office
307 on the first Monday of January next following the date of their
308 election.

309 (6) Whenever there is a vacancy in the membership of the
310 school board, the vacancy shall be filled, depending upon the
311 length of the unexpired term of the vacated office, in the manner
312 provided under this subsection.

313 (a) If the unexpired term of the vacated office is six
314 (6) months or less, the remaining members of the school board
315 shall appoint, within sixty (60) days after the vacancy occurs, a
316 person to serve the unexpired portion of the term. The appointee
317 shall be selected from the qualified electors of the school board
318 member district in which the vacancy occurs. The chairman of the
319 school board shall certify to the Secretary of State the fact of
320 the appointment, and the Governor shall commission the person
321 appointed.

322 (b) If the unexpired term of the vacated office is
323 greater than six (6) months, an election shall be held to fill the
324 vacancy. The school board shall certify in writing the fact of
325 the vacancy to the municipal governing authorities, if the school
326 district is a municipal separate school district or a special
327 municipal separate school district, or to the board of supervisors
328 in the case of all other school districts. At the next regular
329 meeting of the municipal governing authorities or board of
330 supervisors, as the case may be, after its receipt of
331 certification of the vacancy from the school board, the municipal
332 governing authorities or board of supervisors shall make and enter
333 on its minutes an order for an election to be held in the school
334 board member district in which the vacancy exists and shall fix
335 the date upon which the election shall be held, which date shall
336 not be less than thirty (30) days nor more than forty-five (45)
337 days after the date upon which the order is adopted.

338 The municipal governing authorities or board of supervisors,
339 as the case may be, shall publish notice of the election in a
340 newspaper of general circulation within the school district once
341 each week for three (3) successive weeks preceding the date of the

342 election. The first notice must be published at least thirty (30)
343 days before the date of the election. Notice also shall be given
344 by the school board by posting a copy of the notice at three (3)
345 public places in the school board member district in which the
346 vacancy exists and at the administrative offices of the school
347 board not less than twenty-one (21) days before the date of the
348 election.

349 Candidates for the vacated office shall file with the
350 municipal governing authorities or the board of supervisors, as
351 the case may be, not less than ten (10) days before the date of
352 the election, a petition of nomination signed by at least fifty
353 (50) or twenty percent (20%) of the qualified electors of the
354 school board member district, whichever is less. The election
355 shall be held, as far as practicable, in the same manner as school
356 board elections are conducted under this section. The candidate
357 who receives a majority of the votes cast by the qualified
358 electors in the school board member district shall be elected.
359 However, if no candidate receives a majority of the votes, a
360 runoff election shall be held two (2) weeks after the election.
361 The names of the candidate receiving the highest number of votes
362 and the candidate, or candidates in the event of a tie, receiving
363 the next highest vote for the office shall be placed on the ballot
364 in the runoff election. The person receiving the highest number
365 of votes cast by the qualified electors in the runoff election
366 shall be elected. The clerk of the election commission shall give
367 a certificate of election to the person elected and shall return
368 to the Secretary of State a copy of the order of holding the
369 election and its results, certified by the clerk. The Governor
370 shall commission the person elected to serve the remainder of the
371 unexpired term.

372 However, if nine (9) days before the date of the election
373 only one (1) person has qualified as a candidate, the municipal
374 governing authorities or board of supervisors, as the case may be,

375 shall dispense with the election, and the remaining members of the
376 school board shall appoint that candidate to fill the unexpired
377 term. If no person has qualified at least nine (9) days before
378 the election, the election shall be dispensed with, and the
379 remaining members of the school board shall appoint a person,
380 selected from the qualified electors of the school board member
381 district in which the vacancy exists, to fill the unexpired term.
382 The chairman of the school board shall certify to the Secretary of
383 State the fact of the appointment, and the Governor shall
384 commission the person appointed.

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

387 37-5-7. (1) Subject to the provisions of subsection (3) of
388 this section and Section 1 of House Bill No. _____, 2004 Regular
389 Session, on the first Tuesday after the first Monday in May 1954,
390 an election shall be held in each county in this state in the same
391 manner as general state and county elections are held and
392 conducted, which election shall be held for the purpose of
393 electing the county boards of education established under the
394 provisions of this chapter. At the election, the members of
395 the * * * board from Supervisors Districts 1 and 2 shall be
396 elected for the term expiring on the first Monday of January,
397 1957; members of the board from Supervisors Districts 3 and 4
398 shall be elected for a term expiring on the first Monday of
399 January 1959; and the member of the board from Supervisors
400 District 5 shall be elected for a term expiring on the first
401 Monday of January 1955. Except as otherwise provided in
402 subsection (2), all subsequent members of the board shall be
403 elected for a term of six (6) years at the regular general
404 election held on the first Monday in November next preceding the
405 expiration of the term of office of the respective member or
406 members of the board. All members of the county board of

407 education as herein constituted, shall take office on the first
408 Monday of January following the date of their election.

409 (2) Subject to the provisions of subsection (3) of this
410 section and Section 1 of House Bill No. _____, 2004 Regular
411 Session, on the first Tuesday after the first Monday in November,
412 in any year in which any county shall elect to utilize the
413 authority contained in Section 37-5-1(2), an election shall be
414 held in each such county in this state for the purpose of electing
415 the county boards of education in those counties. At the election
416 the members of the * * * county board of education from Districts
417 1 and 2 shall be elected for a term of four (4) years, the members
418 from Districts 3 and 4 shall be elected for a term of six (6)
419 years, and the member from District 5 shall be elected for a term
420 of (2) years. Thereafter, members shall be elected at general
421 elections as vacancies occur for terms of six (6) years each. All
422 members of the county board of education shall take office on the
423 first Monday of January following the date of their election.

424 (3) Notwithstanding the provisions of this section, in order
425 to provide for an orderly transition in the membership of the
426 county boards of education from those members elected under the
427 laws in effect before the effective date of House Bill No. _____,
428 2004 Regular Session, to members elected under the provisions of
429 House Bill No. _____, 2004 Regular Session, the election schedule
430 prescribed in Section 1 of House Bill No. _____, 2004 Regular
431 Session shall be followed, and the terms of office of the school
432 board members elected under this section shall expire according to
433 that prescribed schedule, at which time the respective member's
434 duly elected successor shall take office.

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

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

438 37-7-203. (1) Subject to the provisions of subsection (3)
439 of this section and Section 1 of House Bill No. _____, 2004 Regular

440 Session, the boards of trustees of all municipal separate school
441 districts created under the provisions of Article 1 of this
442 chapter, either with or without added territory, shall consist of
443 five (5) members, each to be chosen for a term of five (5) years,
444 but so chosen that the term of office of one (1) member shall
445 expire each year. If the added territory of a municipal separate
446 school district furnishes fifteen percent (15%) or more of the
447 pupils enrolled in the schools of the district, then at least one
448 (1) member of the board of trustees of the school district shall
449 be a resident of the added territory outside the corporate limits.
450 If the added territory of a municipal separate school district
451 furnishes thirty percent (30%) or more of the pupils enrolled in
452 the schools of the district, then not more than two (2) members of
453 the board of trustees of the school district shall be residents of
454 the added territory outside the corporate limits. If the added
455 territory of a municipal separate school district in a county in
456 which Mississippi Highways 8 and 15 intersect furnishes thirty
457 percent (30%) or more of the pupils enrolled in the schools of the
458 district, then the five (5) members of the board of trustees of
459 the school district shall be elected at large from the school
460 district for a term of five (5) years each except that the two (2)
461 elected trustees presently serving on the board shall continue to
462 serve for their respective terms of office. The three (3)
463 appointed trustees presently serving on the board shall continue
464 to serve until their successors are elected in March of 1975 in
465 the manner provided for in Section 37-7-215. At the election, one
466 (1) trustee shall be elected for a term of two (2) years, one (1)
467 for a term of three (3) years and one (1) for a term of five (5)
468 years. Subsequent terms for each successor trustee shall be for
469 five (5) years. If one (1) of two (2) municipal separate school
470 districts located in any county with two (2) judicial districts,
471 District 1 being comprised of Supervisors Districts 1, 2, 4 and 5,
472 and District 2 being comprised of Supervisors District 3, with

473 added territory embraces three (3) full supervisors districts of a
474 county, one (1) trustee shall be elected from each of the three
475 (3) supervisors districts outside the corporate limits of the
476 municipality. If the territory of a municipal separate school
477 district located in any county with two (2) judicial districts,
478 District 1 being comprised of Supervisors Districts 1, 2, 4 and 5,
479 and District 2 being comprised of Supervisors District 3, with
480 added territory embraces four (4) full supervisors districts in
481 the county, and in any county in which a municipal separate school
482 district embraces the entire county in which Highways 14 and 15
483 intersect, then one (1) trustee shall be elected from each
484 supervisors district.

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

499 If a portion of a county school district is reconstituted, in
500 the manner provided by law, into a municipal separate school
501 district with added territory and * * * the trustees to be elected
502 from the added territory are requested to be elected from separate
503 election districts within the added territory, instead of elected
504 at large, by the Attorney General of the United States as a result
505 of and under preclearance under Section 5 of the Voting Rights Act

506 of 1965, as amended and extended, and if the added territory of a
507 municipal separate school district of a municipality furnishes
508 thirty percent (30%) or more of the pupils enrolled in the schools
509 of the district, then two (2) members of the board of trustees
510 shall be residents of the added territory outside the corporate
511 limits of the municipality and shall be elected from special
512 trustee election districts by the qualified electors thereof as
513 herein provided. The board of trustees of the school district
514 shall apportion the added territory into two (2) special trustee
515 election districts as nearly as possible according to population
516 and other factors heretofore pronounced by the courts. The board
517 of trustees of the school district shall thereafter publish the
518 same in a newspaper of general circulation within the school
519 district for at least two (2) consecutive weeks; and after having
520 given notice of publication and recording the same upon the
521 minutes of the board of trustees of the school district, the new
522 district lines shall thereafter be effective. Any person elected
523 from the new trustee election districts constituted herein shall
524 be elected in the manner provided for in Section 37-7-215 for a
525 term of five (5) years. Any vacancy in the office of a trustee
526 elected from the trustee election district, whether occasioned by
527 redistricting or by other cause, shall be filled by appointment of
528 the municipal governing authorities * * *, provided that the
529 person so appointed shall serve only until the first Saturday of
530 March following his appointment, at which time a person shall be
531 elected for the remainder of the unexpired term in the manner
532 provided in Section 37-7-215.

533 In any county organizing a countywide municipal separate
534 school district after January 1, 1965, the trustees thereof to be
535 elected from outside the municipality, the trustees shall be
536 elected by the board of supervisors of the county, and the
537 superintendent of the school district may pay out and distribute
538 the funds of the district. If a municipal separate school

539 district should occupy territory in a county other than that in
540 which the municipality is located and fifteen percent (15%) or
541 more of the pupils enrolled in the schools of the district * * *
542 come from the territory of the district in the county other than
543 that in which the municipality is located, the territory of the
544 county in which the municipality is not located shall be entitled
545 to one (1) member on the board of trustees of the school district.
546 The trustee shall be a resident of the territory of that part of
547 the district lying in the county in which the municipality is not
548 located and shall be elected by the qualified electors of the
549 territory of the county at the same time and in the same manner as
550 is provided for the election of trustees of school districts other
551 than municipal separate school districts having territory in two
552 (2) or more counties.

553 All vacancies shall be filled for the unexpired terms by
554 appointment of the municipal governing authorities * * *; except
555 that in the case of the trustees coming from the added territory
556 outside the corporate limits, the person so appointed shall serve
557 only until the first Saturday of March following his appointment,
558 at which time a person shall be elected for the remainder of the
559 unexpired term in the manner otherwise provided herein.

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

567 (2) Subject to the provisions of subsection (3) of this
568 section and Section 1 of House Bill No. _____, 2004 Regular
569 Session, in counties of less than fifteen thousand (15,000) people
570 having a municipal separate school district with added territory
571 that embraces all the territory of a county, one (1) or more

572 trustees of the district shall be nominated from each supervisors
573 district upon petition of fifty (50) qualified electors of the
574 district, or twenty percent (20%) of the qualified electors of the
575 district, whichever number is smaller, and shall be elected by a
576 plurality of the vote of the qualified electors of the county.
577 One (1) trustee so elected shall reside in each supervisors
578 district of the county. In the counties embraced entirely by a
579 municipal separate school district, there shall be no county board
580 of education after the formation of the district, and the county
581 superintendent of education shall act as superintendent of schools
582 of the district and shall be appointed by the board of trustees of
583 the district, and the provisions of subsection (1) of this section
584 and the first paragraph of Section 37-7-211 shall not apply to
585 those districts.

586 (3) Notwithstanding the provisions of this section, in order
587 to provide for an orderly transition in the membership of the
588 boards of trustees of municipal separate school districts from
589 those members appointed or elected under the laws in effect before
590 the effective date of House Bill No. _____, 2004 Regular Session,
591 to members elected under the provisions of House Bill No. _____,
592 2004 Regular Session, the election schedule prescribed in Section
593 1 of House Bill No. _____, 2004 Regular Session shall be followed,
594 and the terms of office of the school board members appointed or
595 elected under this section shall expire according to that
596 prescribed schedule, at which time the respective member's duly
597 elected successor shall take office.

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

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

601 * * *

602 37-7-207. (1) Subject to the provisions of subsection (3)
603 of this section and Section 1 of House Bill No. _____, 2004 Regular
604 Session, all school districts reconstituted or created under the

605 provisions of Article 3 of this chapter, and which lie wholly
606 within one (1) county, but not including municipal separate and
607 countywide districts, shall be governed by a board of five (5)
608 trustees. The first board of trustees of the districts shall be
609 appointed by the county board of education, and the original
610 appointments shall be so made that one (1) trustee shall be
611 appointed to serve until the first Saturday of March following the
612 appointments, one (1) for one (1) year longer, one (1) for two (2)
613 years longer, one (1) for three (3) years longer, and one (1) for
614 four (4) years longer. After the original appointments, the
615 trustees of the school districts shall be elected by the qualified
616 electors of the school districts in the manner provided for in
617 Sections 37-7-223 through 37-7-229, with each trustee to be
618 elected for a term of five (5) years. The five (5) members of the
619 board of trustees of the consolidated school district shall be
620 elected from special trustee election districts by the qualified
621 electors thereof, as herein provided. The board of trustees of
622 any such consolidated school district shall apportion the
623 consolidated school district into five (5) special trustee
624 election districts. The board of trustees of the school district
625 shall place upon its minutes the boundaries determined for the new
626 five (5) trustee election districts. The board of trustees shall
627 thereafter publish the same in a newspaper of general circulation
628 within the school district for at least three (3) consecutive
629 weeks; and after having given notice of publication and recording
630 the same upon the minutes of the board of trustees, the new
631 district lines shall thereafter be effective.

632 * * *

633 On the first Tuesday after the first Monday in November, in
634 any year in which any consolidated school district * * * elects to
635 utilize the authority to create single member election districts,
636 an election shall be held in each such district in this state for
637 the purpose of electing the board of trustees of such district.

638 At the election the member of the * * * board from District One
639 shall be elected for a term of one (1) year, the member from
640 District Two shall be elected for a term of two (2) years, the
641 member from District Three shall be elected for a term of three
642 (3) years, the member from District Four shall be elected for a
643 term of four (4) years, and the member from District Five shall be
644 elected for a term of five (5) years. Thereafter, members shall
645 be elected at general elections as vacancies occur for terms of
646 five (5) years each. Trustees elected from single member election
647 districts as provided above shall otherwise be elected as provided
648 for in Sections 37-7-223 through 37-7-229. All members of
649 the * * * board of trustees shall take office on the first Monday
650 of January following the date of their election. All vacancies
651 that may occur during a term shall be filled by appointment of the
652 consolidated school district trustees, but the person so appointed
653 shall serve only until the next general election following the
654 appointment, at which time a person shall be elected for the
655 remainder of the unexpired term at the same time and in the same
656 manner as a trustee is elected for the full term then expiring.
657 The person so elected to the unexpired term shall take office
658 immediately. The appointee shall be selected from the qualified
659 electors of the district in which the vacancy occurs.

660 (2) Subject to the provisions of subsection (3) of this
661 section and Section 1 of House Bill No. _____, 2004 Regular
662 Session, all school districts reconstituted and created under the
663 provisions of Article 3 of this chapter, which embrace territory
664 in two (2) or more counties, but not including municipal separate
665 school districts, shall be governed by a board of five (5)
666 trustees. In making the original appointments, the several county
667 boards of education shall appoint the trustee or trustees to which
668 the territory in the county is entitled, and, by agreement between
669 the county boards concerned, one (1) person shall be appointed to
670 serve until the first Saturday of March following, one (1) for one

671 (1) year longer, one (1) for two (2) years longer, one (1) for
672 three (3) years longer and one (1) for four (4) years longer.
673 Thereafter, the trustees shall be elected as is provided for in
674 Sections 37-7-223 through 37-7-229, for a term of five (5) years.
675 The five (5) members of the board of trustees of the line
676 consolidated school district shall be elected from special trustee
677 election districts by the qualified electors thereof, as herein
678 provided. The existing board of trustees of the line consolidated
679 school district shall apportion the line consolidated school
680 district into five (5) special trustee election districts. The
681 board of trustees shall place upon its minutes the boundaries
682 determined for the new five (5) trustee election districts. The
683 board of trustees shall thereafter publish the same in a newspaper
684 of general circulation within the school district for at least
685 three (3) consecutive weeks; and after having given notice of
686 publication and recording the same upon the minutes of the board
687 of trustees, the new district lines shall thereafter be
688 effective. However, in any line consolidated school district
689 encompassing two (2) or more counties created under Laws, 1953,
690 Extraordinary Session, Chapter 12, Section 8, in which, as a
691 condition precedent to the creation of the district, each county
692 belonging thereto was contractually guaranteed to always have at
693 least one (1) representative on the board, in order that the
694 condition precedent may be honored and guaranteed, in any year in
695 which the board of trustees of the line consolidated school
696 district does not have at least one (1) member from each county or
697 part thereof forming the district, the board of trustees in the
698 district shall be governed by a board of a sufficient number of
699 trustees to fulfill this guarantee, five (5) of whom shall be
700 elected from the five (5) special trustee election districts that
701 shall be as nearly equal as possible and one (1) member trustee
702 appointed at large from each county not having representation on
703 the elected board. In those cases, the board of supervisors of

704 each county shall make written agreement to guarantee the manner
705 of appointment of at least one (1) representative from each county
706 in the district, placing the written agreement on the minutes of
707 each board of supervisors in each county.

708 On the first Tuesday after the first Monday in November, in
709 any year in which any line consolidated school district * * *
710 elects to utilize the authority to create single member election
711 districts, an election shall be held in each such district in this
712 state for the purpose of electing the board of trustees of the
713 district. At the election the member of the * * * board from
714 District One shall be elected for a term of one (1) year, the
715 member from District Two shall be elected for a term of two (2)
716 years, the member from District Three shall be elected for a term
717 of three (3) years, the member from District Four shall be elected
718 for a term of four (4) years, and the member from District Five
719 shall be elected for a term of five (5) years. Thereafter,
720 members shall be elected at general elections as vacancies occur
721 for terms of five (5) years each. Trustees elected from single
722 member election districts as provided above shall otherwise be
723 elected as provided for in Sections 37-7-223 through 37-7-229.
724 All members of the * * * board of trustees shall take office on
725 the first Monday of January following the date of their election.
726 In all elections, the trustee elected shall be a resident and
727 qualified elector of the district entitled to the representation
728 upon the board, and he shall be elected only by the qualified
729 electors of the district. All vacancies that may occur during a
730 term of office shall be filled by appointment of the consolidated
731 line school district trustees, but the person so appointed shall
732 serve only until the next general election following the
733 appointment, at which time a person shall be elected for the
734 remainder of the unexpired term at the same time and in the same
735 manner as the trustee is elected for the full term then expiring.

736 The person so elected to the unexpired term shall take office
737 immediately.

738 (3) Notwithstanding the provisions of this section, in order
739 to provide for an orderly transition in the membership of the
740 boards of trustees of consolidated school districts from those
741 members elected under the laws in effect before the effective date
742 of House Bill No. _____, 2004 Regular Session, to members elected
743 under the provisions of House Bill No. _____, 2004 Regular Session,
744 the election schedule prescribed in Section 1 of House Bill No.
745 _____, 2004 Regular Session, shall be followed, and the terms of
746 office of the school board members elected under this section
747 shall expire according to that prescribed schedule, at which time
748 the respective member's duly elected successor shall take office.

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

750 * * *

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

753 37-7-707. In all such special municipal separate school
754 districts that may be so organized, reorganized or reconstituted
755 to embrace the entire county in which the majority of the
756 inhabitants of the county reside outside the corporate limits of
757 the municipality, the board of trustees of the district shall be
758 composed of five (5) members, one (1) of whom shall be a resident
759 qualified elector of each supervisors district of the county. The
760 trustees shall be elected from the county at large by the
761 qualified electors of the county at the first regular general
762 election following the approval by the State Board of Education.
763 The trustees shall take office on the first Monday of January
764 following their election.

765 At the election the members of the * * * board from
766 Supervisors Districts 1 and 5 shall be elected for a term of six
767 (6) years, the members from Districts 3 and 4 shall be elected for
768 a term of four (4) years, and the members from District 2 shall be

769 elected for a term of two (2) years. Thereafter members shall be
770 elected at regular general elections as vacancies occur for terms
771 of six (6) years each and shall take office on the first Monday of
772 January after their election.

773 Notwithstanding the provisions of this section, in order to
774 provide for an orderly transition in the membership of the boards
775 of trustees of special municipal separate school districts
776 embracing an entire county, in which a majority of the inhabitants
777 of the county reside outside the corporate limits of the
778 municipality, from those members elected under the laws in effect
779 before the effective date of House Bill No. _____, 2004 Regular
780 Session, to members elected under the provisions of House Bill No.
781 _____, 2004 Regular Session, the election schedule prescribed in
782 Section 1 of House Bill No. _____, 2004 Regular Session, shall be
783 followed, and the terms of office of the school board members
784 elected under this section shall expire according to that
785 prescribed schedule, at which time the respective member's duly
786 elected successor shall take office.

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

788 **SECTION 6.** Sections 37-5-1, 37-5-3, 37-5-9, 37-5-18 and
789 37-5-19, Mississippi Code of 1972, which establish the county
790 board of education and provide for the qualifications and election
791 of board members and filling of vacancies on the board, are
792 repealed.

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

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

800 **SECTION 9.** Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,
801 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide

802 certain methods for electing trustees from added territory of
803 municipal separate school districts, are repealed.

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

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

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

817 **SECTION 13.** Sections 37-7-709, 37-7-711, 37-7-713, 37-7-715
818 and 37-7-717, Mississippi Code of 1972, which provide various
819 methods for selecting trustees of special municipal separate
820 school districts and filling vacancies on such school boards, are
821 repealed.

822 **SECTION 14.** Section 37-7-723, Mississippi Code of 1972,
823 which provides that in special municipal separate school districts
824 embracing an entire county, the school board of the special
825 municipal separate school district supersedes the county board of
826 education, is repealed.

827 **SECTION 15.** The Attorney General of the State of Mississippi
828 shall submit this act, immediately upon approval by the Governor,
829 or upon approval by the Legislature subsequent to a veto, to the
830 Attorney General of the United States or to the United States
831 District Court for the District of Columbia in accordance with the
832 provisions of the Voting Rights Act of 1965, as amended and
833 extended.

834 **SECTION 16.** This act shall take effect and be in force from
835 and after the date it is effectuated under Section 5 of the Voting
836 Rights Act of 1965, as amended and extended.