

By: Holland

To: Education;  
Apportionment and  
Elections

HOUSE BILL NO. 391

1 AN ACT TO AMEND SECTION 37-7-211, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE CANDIDATES FOR THE OFFICE OF TRUSTEE OF A MUNICIPAL  
3 SEPARATE SCHOOL DISTRICT OR A SPECIAL MUNICIPAL SEPARATE SCHOOL  
4 DISTRICT TO FILE THEIR PETITIONS WITH THE MUNICIPAL CLERK OR  
5 CIRCUIT CLERK; TO AMEND SECTION 37-7-215, MISSISSIPPI CODE OF  
6 1972, TO EXPAND THE HOURS THAT THE POLLS MUST BE OPEN IN SUCH  
7 ELECTIONS; TO AMEND SECTION 37-7-217, MISSISSIPPI CODE OF 1972, TO  
8 AUTHORIZE ELECTION MANAGERS AND CLERKS TO ASSIST IN SUCH  
9 ELECTIONS; AND FOR RELATED PURPOSES.

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

11 SECTION 1. Section 37-7-211, Mississippi Code of 1972, is  
12 amended as follows:[JU1]

13 37-7-211. Any person otherwise eligible under the provisions  
14 of subsection (1) of Section 37-7-203 who \* \* \* desires to be a  
15 candidate for the office of trustee must qualify in the following  
16 manner in order to be allowed to be considered for election. At  
17 least forty (40) days before the election he shall file with the  
18 clerk of the municipality in which the municipal separate school  
19 district or the special municipal separate school district, as the  
20 case may be, is situated a petition signed by not less than  
21 twenty-five (25) qualified electors of the area represented by the  
22 office which he seeks, either for a full term or an unexpired  
23 term, as the case may be, and an affidavit by the candidate  
24 offering for election stating his qualifications; however, if the

25 person is a resident of the added territory outside the corporate  
26 limits of the municipality, he shall file the requisite petition  
27 and affidavit with the circuit clerk of the county. The petition  
28 shall contain an affidavit certifying that all signatures are the  
29 personal signatures of each person whose name appears on the  
30 petition and that each person is a qualified elector. If the  
31 municipal clerk or circuit clerk, as the case may be, determines  
32 that the person desiring to be a candidate meets all  
33 qualifications for holding the office of trustee, then no less  
34 than thirty (30) days before the election, the municipal clerk or  
35 circuit clerk shall present the name of a the person as a  
36 qualified candidate to the superintendent of the school district.

37 Unless the petition and affidavit required in this section  
38 are filed not less than forty (40) days prior to the election, the  
39 name of the candidate shall not be considered in the election, and  
40 votes cast for any person who has failed to qualify shall not be  
41 counted in the election.

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

47 SECTION 2. Section 37-7-215, Mississippi Code of 1972, is  
48 amended as follows:[JU2]

49 37-7-215. (1) The following election procedure shall be  
50 used in each school district in which there are less than three  
51 thousand five hundred (3,500) qualified electors:

52 All such elections shall be held on the first Saturday of  
53 March of each year, and in such election the polls shall be opened  
54 at 2 p.m. and closed at 6 p.m. for the first ballot. In the event  
55 a runoff is necessary, such runoff shall be held two (2) weeks

56 after the first Saturday of March. All such elections shall be  
57 held at the schoolhouse of such school district; if there is in  
58 such school district an elementary school building and a high  
59 school building at different locations, then the election shall be  
60 held at the high school building. In the event there are located  
61 in such district separate buildings at which such election may be  
62 held under the provisions of this section, then the board of  
63 trustees of such school district \* \* \*, by an order spread upon  
64 its minutes, shall designate the school building at which such  
65 election shall be held, which \* \* \* order shall be adopted not  
66 less than thirty (30) days prior to such election.

67 (2) The following election procedure shall be used in each  
68 school district in which there are three thousand five hundred  
69 (3,500) qualified electors or more:

70 All such elections shall be held on the first Saturday of  
71 March of each year, at such time and place as determined by the  
72 board of trustees, and in such elections the polls shall be opened  
73 for not less than three (3) hours for the first ballot. In the  
74 event a runoff is necessary, such runoff shall be held two (2)  
75 weeks after the first Saturday of March. All such elections shall  
76 be held at a convenient place. The board of trustees of such  
77 school district \* \* \*, by an order spread upon its minutes, shall  
78 designate the time and place or places at which such election  
79 shall be held, which order shall be adopted not less than thirty  
80 (30) days prior to such election.

81 SECTION 3. Section 37-7-217, Mississippi Code of 1972, is  
82 amended as follows:[JU3]

83 37-7-217. The qualified electors of each school district

84 operating under Section 37-7-215(1) shall meet at 1:30 p.m. on the  
85 date and at the place specified in that section, and the qualified  
86 electors of each school district operating under Section  
87 37-7-215(2) shall meet on the date specified in that section and  
88 at the time and place or places specified by the board of trustees  
89 of the school district. \* \* \* At such meeting, the electors  
90 shall \* \* \* organize immediately by electing a chairman and a  
91 secretary of the meeting and then shall \* \* \* proceed to elect the  
92 necessary number of trustees by secret written ballot from the  
93 list of candidates properly qualified. If there is an election  
94 for a full term and for an unexpired term or terms, such election  
95 shall be separately held and conducted. The person elected  
96 immediately shall \* \* \* assume the duties of his office for the  
97 full term if the election is for the full term, or for the  
98 remainder of the unexpired term if the election is for an  
99 unexpired term. The chairman and secretary of the meeting  
100 shall \* \* \* certify the results of the election to the  
101 superintendent of the municipal separate or special municipal  
102 separate school district, as the case may be, which \* \* \*  
103 certificate shall be delivered to such superintendent within five  
104 (5) days following the election. If a person does not receive a  
105 majority of the votes cast upon the first ballot, a runoff shall  
106 be held between the two (2) persons receiving the highest number  
107 of votes upon such first ballot. The runoff shall be held two (2)  
108 weeks after the date of the initial election. A trustees'  
109 election shall not be discontinued or adjourned but \* \* \* shall be  
110 completed upon the day specified for the election.

111 The superintendent of the school district may employ election

112 managers and clerks to assist in the election of trustees. Upon  
113 the request of the superintendent, the commissioners of election  
114 in the county in which the school district is situated shall  
115 provide to the superintendent a list of those managers and clerks  
116 who are eligible to assist with the election. The school district  
117 shall compensate such election managers and clerks at the same  
118 rate the county is required by law to pay for such services.

119 SECTION 4. The Attorney General of the State of Mississippi  
120 shall submit this act, immediately upon approval by the Governor,  
121 or upon approval by the Legislature subsequent to a veto, to the  
122 Attorney General of the United States or to the United States  
123 District Court for the District of Columbia in accordance with the  
124 provisions of the Voting Rights Act of 1965, as amended and  
125 extended.

126 SECTION 5. This act shall take effect and be in force from  
127 and after the date it is effectuated under Section 5 of the Voting  
128 Rights Act of 1965, as amended and extended.