

By: Representative Ishee

To: Education; Apportionment
and Elections

HOUSE BILL NO. 388

1 AN ACT TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972,
 2 TO CHANGE THE MONTH OF THE ELECTION OF ELECTED TRUSTEES OF
 3 MUNICIPAL SEPARATE SCHOOL DISTRICTS FROM MARCH TO NOVEMBER AND TO
 4 PROVIDE THAT THE ELECTED TRUSTEES SHALL SERVE FOR A TERM OF SIX
 5 YEARS; TO AMEND SECTION 37-7-207, MISSISSIPPI CODE OF 1972, TO
 6 PROVIDE THAT THE MEMBERS OF THE BOARDS OF TRUSTEES OF CONSOLIDATED
 7 SCHOOL DISTRICTS AND LINE CONSOLIDATED SCHOOL DISTRICTS SHALL
 8 SERVE FOR A TERM OF SIX YEARS; TO AMEND SECTIONS 37-7-209 THROUGH
 9 37-7-229, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
 10 PROVISIONS OF THIS ACT; TO AMEND SECTION 37-7-713, MISSISSIPPI
 11 CODE OF 1972, TO CHANGE THE MONTH OF THE ELECTION OF ELECTED
 12 TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS EMBRACING
 13 LESS THAN AN ENTIRE COUNTY FROM MARCH TO NOVEMBER AND TO PROVIDE
 14 THAT THE ELECTED TRUSTEES SHALL SERVE FOR A TERM OF SIX YEARS; AND
 15 FOR RELATED PURPOSES.

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

17 SECTION 1. Section 37-7-203, Mississippi Code of 1972, is
 18 amended as follows:

19 37-7-203. (1) The boards of trustees of all municipal
 20 separate school districts created under * * * this chapter, either
 21 with or without added territory, shall consist of five (5) members
 22 * * *. In the event the added territory of a municipal separate
 23 school district furnishes fifteen percent (15%) or more of the
 24 pupils enrolled in the schools of such district, then at least one
 25 (1) member of the board of trustees of such school district shall
 26 be a resident of the added territory outside the corporate limits.
 27 In the event the added territory of a municipal separate school
 28 district furnishes thirty percent (30%) or more of the pupils
 29 enrolled in the schools of such district, then * * * two (2)
 30 members of the board of trustees of such school district shall be
 31 residents of the added territory outside the corporate limits. In
 32 the event the added territory of a municipal separate school
 33 district in a county in which Mississippi Highways 8 and 15



34 intersect furnishes thirty percent (30%) or more of the pupils
35 enrolled in the schools of such district, then the five (5)
36 members of the board of trustees of such school district shall be
37 elected at large from such school district for a term of six (6)
38 years each. However, in order to provide for an orderly
39 transition, the terms of all members of the board of trustees
40 serving on July 1, 2003, shall expire on the first Monday of
41 January 2004, on which date their successors duly elected in the
42 November 2003 election shall assume the duties of office. In the
43 event one (1) of two (2) municipal separate school districts
44 located in any county with two (2) judicial districts, District 1
45 being comprised of Supervisors Districts 1, 2, 4 and 5, and
46 District 2 being comprised of Supervisors District 3, with added
47 territory embraces three (3) full supervisors districts of a
48 county, one (1) trustee shall be elected from each of the three
49 (3) supervisors districts outside the corporate limits of the
50 municipality. In the further event that the territory of a
51 municipal separate school district located in any county with two
52 (2) judicial districts, District 1 being comprised of Supervisors
53 Districts 1, 2, 4 and 5, and District 2 being comprised of
54 Supervisors District 3, with added territory embraces four (4)
55 full supervisors districts in the county, and in any county in
56 which a municipal separate school district embraces the entire
57 county in which Highways 14 and 15 intersect, one (1) trustee
58 shall be elected from each supervisors district.

59 Except as otherwise provided herein, the trustees of * * * a
60 municipal separate school district shall be elected by a majority
61 of the governing authorities of the municipality at the first
62 meeting of the governing authorities held in the month of February
63 of each year, and the term of office of the member so elected
64 shall commence on the first Saturday of March following. The term
65 of office of each member of the board of trustees selected by the
66 governing authorities of the municipality shall be for five (5)



67 years, and such members shall be chosen so that the terms of those
68 members expire in different years. In the case of a member of the
69 board of trustees who is required to come from the added territory
70 outside the corporate limits as is above provided, such member of
71 the board of trustees shall be elected by the qualified electors
72 of the school district residing in such added territory outside
73 the corporate limits * * * in the same manner as is * * * provided
74 for in Sections 37-7-211 through 37-7-219.

75 In the event that a portion of a county school district is
76 reconstituted, in the manner provided by law, into a municipal
77 separate school district with added territory and in the event
78 that the trustees to be elected from the added territory are
79 requested to be elected from separate election districts within
80 the added territory, instead of elected at-large, by the Attorney
81 General of the United States as a result of and pursuant to
82 preclearance under Section 5 of the Voting Rights Act of 1965 as
83 amended and extended, and in the event the added territory of a
84 municipal separate school district of a municipality furnishes
85 thirty percent (30%) or more of the pupils enrolled in the schools
86 of such district, then two (2) members of the board of trustees
87 shall be residents of the added territory outside the corporate
88 limits of such municipality and shall be elected from special
89 trustee election districts by the qualified electors thereof as
90 herein provided. The governing authorities of such municipality
91 shall apportion the added territory into two (2) special trustee
92 election districts as nearly as possible according to population
93 and other factors heretofore pronounced by the courts. The
94 governing authorities of such municipality shall thereafter
95 publish the same in a newspaper of general circulation within the
96 school district for at least two (2) consecutive weeks; and after
97 having given notice of publication and recording the same upon the
98 minutes of the governing authorities, the new district lines shall
99 thereafter be effective. Any person elected from the new trustee



100 election districts constituted herein shall be elected in the
101 manner provided for in Sections 37-7-211 through 37-7-219 for a
102 term of six (6) years. However, in order to provide for an
103 orderly transition, the term of any elected member of the board of
104 trustees serving on July 1, 2003, shall expire on the first Monday
105 of January 2004, on which date the trustee's successor duly
106 elected in the November 2003 election shall assume the duties of
107 office. Any vacancy in the office of a trustee elected from such
108 trustee election district, whether occasioned by redistricting or
109 by other cause, shall be filled by appointment of the governing
110 authorities of the municipality, provided that the person so
111 appointed shall serve only until the first Tuesday after the first
112 Monday of November following his appointment, at which time a
113 person shall be elected for the remainder of the unexpired term in
114 the manner provided in Section 37-7-215.

115 In any county organizing a countywide municipal separate
116 school district after January 1, 1965, the trustees thereof to be
117 elected from outside the municipality, such trustees shall be
118 elected by the board of supervisors of such county, and the
119 superintendent of such school district shall have authority to pay
120 out and distribute the funds of the district. In the event a
121 municipal separate school district should occupy territory in a
122 county other than that in which the municipality is located and
123 fifteen percent (15%) or more of the pupils enrolled in the
124 schools of such district shall come from the territory of the
125 district in the county other than that in which the municipality
126 is located, the territory of such county in which the municipality
127 is not located shall be entitled to one (1) member on the board of
128 trustees of such school district. The trustee shall be a resident
129 of the territory of that part of the district lying in the county
130 in which the municipality is not located and shall be elected by
131 the qualified electors of the territory of such county at the same



132 time and in the same manner as is provided for in Sections
133 37-7-211 through 37-7-219.

134 All vacancies shall be filled for the unexpired terms by
135 appointment of the governing authorities of the municipality;
136 except that in the case of the trustees coming from the added
137 territory outside the corporate limits, the person so appointed
138 shall serve only until the first Tuesday after the first Monday of
139 November following his appointment, at which time a person shall
140 be elected for the remainder of the unexpired term in the manner
141 otherwise provided in Section 37-7-215.

142 No person who is a member of such governing body, or who is
143 an employee of the municipality, or who is a member of the county
144 board of education, or who is a trustee of any public, private or
145 sectarian school or college located in the county, inclusive of
146 the municipal separate school district, or who is a teacher in or
147 a trustee of said school district, shall be eligible for
148 appointment to the board of trustees.

149 (2) In counties of less than fifteen thousand (15,000)
150 people having a municipal separate school district with added
151 territory which embraces all the territory of a county, one (1) or
152 more trustees of such district shall be nominated from each
153 supervisors district upon petition of fifty (50) qualified
154 electors of that district, or twenty percent (20%) of the
155 qualified electors of such district, whichever number shall be
156 smaller, and shall be elected by a plurality of the vote of the
157 qualified electors of the county. One (1) trustee so elected
158 shall reside in each supervisors district of the county. In such
159 counties embraced entirely by a municipal separate school district
160 there shall be no county board of education after the formation of
161 such district, and the county superintendent of education shall
162 act as superintendent of schools of the district and shall be
163 appointed by the board of trustees of the district, and the



164 provisions of subsection (1) of this section and the first
165 paragraph of Section 37-7-211 shall not apply to such districts.

166 SECTION 2. Section 37-7-207, Mississippi Code of 1972, is
167 amended as follows:

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

171 37-7-207. (1) All school districts reconstituted or created
172 under the provisions of Article 3 of this chapter, and which lie
173 wholly within one (1) county, but not including municipal separate
174 and countywide districts, shall be governed by a board of five (5)
175 trustees. The first board of trustees of such districts shall be
176 appointed by the county board of education, and the original
177 appointments shall be so made that one (1) trustee shall be
178 appointed to serve until the first Saturday of March following
179 such appointments, one (1) for one (1) year longer, one (1) for
180 two (2) years longer, one (1) for three (3) years longer, and one
181 (1) for four (4) years longer. After such original appointments,
182 the trustees of such school districts shall be elected by the
183 qualified electors of such school districts in the manner provided
184 for in Sections 37-7-223 through 37-7-229, with each trustee to be
185 elected for a term of six (6) years. However, in order to provide
186 for an orderly transition, the terms of all members of the board
187 of trustees serving on July 1, 2003, shall expire on the first
188 Monday of January 2004, on which date their successors duly
189 elected in the November 2003 election shall assume the duties of
190 office. The five (5) members of the board of trustees of such
191 consolidated school district shall be elected from special trustee
192 election districts by the qualified electors thereof, as herein
193 provided. Upon request of the board of trustees of any
194 consolidated school district, the board of supervisors of such
195 county shall apportion the consolidated school district into five
196 (5) special trustee election districts. The board of supervisors



197 shall place upon its minutes the boundaries determined for the new
198 five (5) trustee election districts. The board of supervisors
199 shall thereafter publish the same in a newspaper of general
200 circulation within the school district for at least three (3)
201 consecutive weeks; and after having given notice of publication
202 and recording the same upon the minutes of the board of
203 supervisors, the new district lines shall thereafter be effective.

204 On the first Tuesday after the first Monday in November in
205 any odd-numbered year, in * * * any consolidated school district
206 electing to utilize the authority to create single member election
207 districts, an election shall be held * * * for the purpose of
208 electing the board of trustees of such district. At the election
209 the members of the * * * board shall be elected for a term of six
210 (6) years. Thereafter, members shall be elected at general
211 elections as vacancies occur for terms of six (6) years each.
212 However, in order to provide for an orderly transition, the terms
213 of all members of the board of trustees serving on July 1, 2003,
214 shall expire on the first Monday of January 2004, on which date
215 their successors duly elected in the November 2003 election shall
216 assume the duties of office. Trustees elected from single member
217 election districts as provided above shall * * * be elected as
218 provided for in Sections 37-7-223 through 37-7-229. All members
219 of the * * * board of trustees shall take office on the first
220 Monday of January following the date of their election. All
221 vacancies which may occur during a term shall be filled by
222 appointment of the consolidated school district trustees, but the
223 person so appointed shall serve only until the next general
224 election following such appointment, at which time a person shall
225 be elected for the remainder of the unexpired term at the same
226 time and in the same manner as a trustee is elected for the full
227 term then expiring. The person so elected to the unexpired term
228 shall take office immediately. The appointee shall be selected



229 from the qualified electors of the district in which the vacancy
230 occurs.

231 (2) All school districts reconstituted and created
232 under the provisions of Article 3 of this chapter, which embrace
233 territory in two (2) or more counties, but not including municipal
234 separate school districts, shall be governed by a board of five
235 (5) trustees. In making the original appointments, the several
236 county boards of education shall appoint the trustee or trustees
237 to which the territory in such county is entitled, and, by
238 agreement between the county boards concerned, one (1) person
239 shall be appointed to serve until the first Saturday of March
240 following, one (1) for one (1) year longer, one (1) for two (2)
241 years longer, one (1) for three (3) years longer and one (1) for
242 four (4) years longer. Thereafter, such trustees shall be elected
243 as is provided for in Sections 37-7-223 through 37-7-229, for a
244 term of six (6) years. However, in order to provide for an
245 orderly transition, the terms of all members of the board of
246 trustees serving on July 1, 2003, shall expire on the first Monday
247 of January 2004, on which date their successors duly elected in
248 the November 2003 election shall assume the duties of office. The
249 five (5) members of the board of trustees of such line
250 consolidated school district shall be elected from special trustee
251 election districts by the qualified electors thereof, as herein
252 provided. Upon request by the board of trustees of any line
253 consolidated school district, the boards of supervisors of such
254 counties shall apportion the line consolidated school district
255 into five (5) special trustee election districts. The boards of
256 supervisors shall place upon their minutes the boundaries
257 determined for the new five (5) trustee election districts. The
258 boards of supervisors shall thereafter publish the same in a
259 newspaper of general circulation within the school district for at
260 least three (3) consecutive weeks; and after having given notice
261 of publication and recording the same upon the minutes of the



262 boards of supervisors, the new district lines shall thereafter be
263 effective.

264 On the first Tuesday after the first Monday in November in
265 any odd-numbered year, in * * * any line consolidated school
266 district electing to utilize the authority to create single member
267 election districts, an election shall be held * * * for the
268 purpose of electing the board of trustees of such district. At
269 the election the members of the * * * board * * * shall be elected
270 for a term of six (6) years. Thereafter, members shall be elected
271 at general elections as vacancies occur for terms of six (6) years
272 each. However, in order to provide for an orderly transition, the
273 terms of all members of the board of trustees serving on July 1,
274 2003, shall expire on the first Monday of January 2004, on which
275 date their successors duly elected in the November 2003 election
276 shall assume the duties of office. Trustees elected from single
277 member election districts as provided above shall * * * be elected
278 as provided for in Sections 37-7-223 through 37-7-229. All
279 members of the * * * board of trustees shall take office on the
280 first Monday of January following the date of their election. In
281 all elections, the trustee elected shall be a resident and
282 qualified elector of the district entitled to the representation
283 upon the board, and he shall be elected only by the qualified
284 electors of such district. All vacancies which may occur during a
285 term of office shall be filled by appointment of the consolidated
286 line school district trustees, but the person so appointed shall
287 serve only until the next general election following such
288 appointment, at which time a person shall be elected for the
289 remainder of the unexpired term at the same time and in the same
290 manner as the trustee is elected for the full term then expiring.
291 The person so elected to the unexpired term shall take office
292 immediately.

293 **[From and after such time as Section 1 of Laws, 1990,**
294 **Chapter 567, is effectuated under Section 5 of the Voting Rights**



295 **Act of 1965, as amended and extended, this section will read as**
296 **follows:]**

297 37-7-207. (1) All school districts reconstituted or created
298 under the provisions of Article 3 of this chapter, and which lie
299 wholly within one (1) county, but not including municipal separate
300 and countywide districts, shall be governed by a board of five (5)
301 trustees. The first board of trustees of such districts shall be
302 appointed by the county board of education, and the original
303 appointments shall be so made that one (1) trustee shall be
304 appointed to serve until the first Saturday of March following
305 such appointments, one (1) for one (1) year longer, one (1) for
306 two (2) years longer, one (1) for three (3) years longer, and one
307 (1) for four (4) years longer. After such original appointments,
308 the trustees of such school districts shall be elected by the
309 qualified electors of such school districts in the manner provided
310 for in Sections 37-7-223 through 37-7-229, Mississippi Code of
311 1972, with each trustee to be elected for a term of six (6) years.
312 However, in order to provide for an orderly transition, the terms
313 of all members of the board of trustees serving on July 1, 2003,
314 shall expire on the first Monday of January 2004, on which date
315 their successors duly elected in the November 2003 election shall
316 assume the duties of office. The five (5) members of the board of
317 trustees of such consolidated school district may be elected from
318 special trustee election districts by the qualified electors
319 thereof, as herein provided. Upon request of the board of
320 trustees of any consolidated school district, the board of
321 supervisors of such county shall apportion the consolidated school
322 district into five (5) special trustee election districts. The
323 board of supervisors shall place upon its minutes the boundaries
324 determined for the new five (5) trustee election districts. The
325 board of supervisors shall thereafter publish the same in a
326 newspaper of general circulation within the school district for at
327 least three (3) consecutive weeks; and after having given notice



328 of publication and recording the same upon the minutes of the
329 board of supervisors, the new district lines shall thereafter be
330 effective.

331 On the first Tuesday after the first Monday in November in
332 any odd-numbered year, in * * * any consolidated school district
333 electing to utilize the authority to create single member election
334 districts, an election shall be held * * * for the purpose of
335 electing the board of trustees of such district. At the election
336 the members of the * * * board * * * shall be elected for a term
337 of six (6) years. Thereafter, members shall be elected at general
338 elections as vacancies occur for terms of six (6) years each.
339 However, in order to provide for an orderly transition, the terms
340 of all members of the board of trustees serving on July 1, 2003,
341 shall expire on the first Monday of January 2004, on which date
342 their successors duly elected in the November 2003 election shall
343 assume the duties of office. Trustees elected from single member
344 election districts as provided above shall * * * be elected as
345 provided for in Sections 37-7-223 through 37-7-229. All members
346 of the * * * board of trustees shall take office on the first
347 Monday of January following the date of their election. All
348 vacancies which may occur during a term shall be filled by
349 appointment of the consolidated school district trustees, but the
350 person so appointed shall serve only until the next general
351 election following such appointment, at which time a person shall
352 be elected for the remainder of the unexpired term at the same
353 time and in the same manner as a trustee is elected for the full
354 term then expiring. The person so elected to the unexpired term
355 shall take office immediately. The appointee shall be selected
356 from the qualified electors of the district in which the vacancy
357 occurs.

358 (2) All school districts reconstituted and created
359 under the provisions of Article 3 of this chapter, which embrace
360 territory in two (2) or more counties, but not including municipal



361 separate school districts, shall be governed by a board of five
362 (5) trustees. In making the original appointments, the several
363 county boards of education shall appoint the trustee or trustees
364 to which the territory in such county is entitled, and, by
365 agreement between the county boards concerned, one (1) person
366 shall be appointed to serve until the first Saturday of March
367 following such appointments, one (1) for one (1) year longer, one
368 (1) for two (2) years longer, one (1) for three (3) years longer
369 and one (1) for four (4) years longer. Thereafter, such trustees
370 shall be elected as is provided for in Sections 37-7-223 through
371 37-7-229, Mississippi Code of 1972, for a term of six (6) years.
372 However, in order to provide for an orderly transition, the terms
373 of all members of the board of trustees serving on July 1, 2003,
374 shall expire on the first Monday of January 2004, on which date
375 their successors duly elected in the November 2003 election shall
376 assume the duties of office. The five (5) members of the board of
377 trustees of such line consolidated school district may be elected
378 from special trustee election districts by the qualified electors
379 thereof, as herein provided. Upon request by the board of
380 trustees of any line consolidated school district, the boards of
381 supervisors of such counties shall apportion the line consolidated
382 school district into five (5) special trustee election districts.
383 The boards of supervisors shall place upon their minutes the
384 boundaries determined for the new five (5) trustee election
385 districts. The boards of supervisors shall thereafter publish the
386 same in a newspaper of general circulation within the school
387 district for at least three (3) consecutive weeks; and after
388 having given notice of publication and recording the same upon the
389 minutes of the boards of supervisors, the new district lines shall
390 thereafter be effective.

391 On the first Tuesday after the first Monday in November in
392 any odd-numbered year, in * * * any line consolidated school
393 district electing to utilize the authority to create single member



394 election districts, an election shall be held * * * for the
395 purpose of electing the board of trustees of such district. At
396 the election the members of the * * * board * * * shall be elected
397 for a term of six (6) years. However, in order to provide for an
398 orderly transition, the terms of all members of the board of
399 trustees serving on July 1, 2003, shall expire on the first Monday
400 of January 2004, on which date their successors duly elected in
401 the November 2003 election shall assume the duties of office.
402 Thereafter, members shall be elected at general elections as
403 vacancies occur for terms of six (6) years each. Trustees elected
404 from single member election districts as provided above shall
405 * * * be elected as provided for in Sections 37-7-223 through
406 37-7-229. All members of the * * * board of trustees shall take
407 office on the first Monday of January following the date of their
408 election. In all such elections, the trustee elected shall be a
409 resident and qualified elector of the district entitled to the
410 representation upon the board, and he shall be elected only by the
411 qualified electors of such district. All vacancies which may
412 occur during a term of office shall be filled by appointment of
413 the consolidated line school district trustees, but the person so
414 appointed shall serve only until the next general election
415 following such appointment, at which time a person shall be
416 elected for the remainder of the unexpired term at the same time
417 and in the same manner as the trustee is elected for the full term
418 then expiring. The person so elected to the unexpired term shall
419 take office immediately.

420 SECTION 3. Section 37-7-209, Mississippi Code of 1972, is
421 amended as follows:

422 37-7-209. All elections of trustees who are elected in
423 municipal separate school districts under the provisions of
424 subsection (1) of Section 37-7-203 shall be held and conducted in
425 the manner and at the time provided for in Sections 37-7-211
426 through 37-7-219.



427 SECTION 4. Section 37-7-211, Mississippi Code of 1972, is
428 amended as follows:

429 37-7-211. Any person otherwise eligible under the provisions
430 of subsection (1) of Section 37-7-203 who * * * desires to be a
431 candidate for the office of trustee must qualify in the following
432 manner in order * * * to be considered for election. By 5:00 p.m.
433 at least forty (40) days before the election, he shall file with
434 the county election commissioners a petition signed by not less
435 than twenty-five (25) qualified electors of the area represented
436 by the office which he seeks, either for a full term or an
437 unexpired term, as the case may be, and an affidavit by the
438 candidate offering for election stating his qualifications under
439 the terms of * * * Sections 37-7-201 and 37-7-203. The petition
440 shall contain an affidavit certifying that all signatures are the
441 personal signatures of each person whose name appears on the
442 petition and that each person is a qualified elector.

443 Unless the petition and affidavit required above shall be
444 filed by 5:00 p.m. not less than forty (40) days before the
445 election, the name of the candidate shall not be considered in the
446 election, and votes cast for any person who has failed to qualify
447 shall not be counted in the election.

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

453 SECTION 5. Section 37-7-213, Mississippi Code of 1972, is
454 amended as follows:

455 37-7-213. Notice of the election shall be given at least
456 twenty-one (21) days before the election by the superintendent by
457 posting a notice thereof in at least three (3) public places in
458 the school district and upon the bulletin board of all school
459 buildings in such school district. In addition thereto, notice



460 shall be made by publication once in each week during three (3)
461 successive weeks in a public newspaper of the county in which the
462 election shall take place, if there is such a newspaper. Where
463 there is no newspaper in the county, the notice shall be posted at
464 the courthouse door of the county and published as above provided
465 in a public newspaper in an adjoining county, or at the seat of
466 government of the state. The period of * * * publication shall be
467 deemed completed at the end of twenty-one (21) days from the date
468 of the first publication if three (3) publications have been made
469 as hereinabove required. Such notice shall contain a statement of
470 the time and place for the holding of the election, the number of
471 trustees to be elected, and whether the office is to be filled for
472 a full term or for an unexpired term. In addition, the notice
473 shall contain the names of the candidates for each position to be
474 filled and the area to be represented by each. In addition
475 thereto, the principal, teacher or superintendent of each school
476 within such district shall announce the date, time, purpose and
477 place of holding the election to the pupils at least three (3)
478 times during the week immediately preceding same.

479 SECTION 6. Section 37-7-215, Mississippi Code of 1972, is
480 amended as follows:

481 37-7-215. Beginning in 2003, all such elections of elected
482 trustees in municipal separate school districts shall be held on
483 the first Tuesday after the first Monday in November in the same
484 manner as general state and county elections are held and
485 conducted. In the event a runoff is necessary, such runoff shall
486 be held two (2) weeks thereafter. * * *

487 * * *

488 SECTION 7. Section 37-7-217, Mississippi Code of 1972, is
489 amended as follows:

490 37-7-217. The candidate who receives a majority of the votes
491 cast, either for a full term or for an unexpired term, shall be
492 declared elected by the county election commissioners. Any person



493 elected to a full term shall assume the duties of his office on
494 the first Monday of January of the year following the election.
495 Any person elected under Section 37-7-215 for an unexpired term
496 shall immediately assume the duties of his office * * * for the
497 remainder of the unexpired term * * *. If a person does not
498 receive a majority of the votes cast upon the first ballot, a
499 runoff shall be held between the two (2) persons receiving the
500 highest number of votes upon such first ballot * * * two (2) weeks
501 thereafter. * * *

502 SECTION 8. Section 37-7-219, Mississippi Code of 1972, is
503 amended as follows:

504 37-7-219. For the purpose of holding the election, it shall
505 be the duty of the county election commissioners to prepare from
506 the records in the office of the county registrar a list of the
507 qualified electors of such school district who are eligible to
508 participate in such election. Such list shall be furnished to the
509 election managers in each precinct, together with the ballots and
510 other election supplies.

511 For each day spent in carrying out the provisions of Sections
512 37-7-211 through 37-7-219, the county election commissioners shall
513 be paid at the rate prescribed by law.

514 SECTION 9. Section 37-7-221, Mississippi Code of 1972, is
515 amended as follows:

516 37-7-221. The election of elected school district trustees
517 in consolidated school districts and consolidated line school
518 districts shall be held in the manner provided for in Sections
519 37-7-223 through 37-7-229 * * *.

520 SECTION 10. Section 37-7-223, Mississippi Code of 1972, is
521 amended as follows:

522 37-7-223. Beginning in 2003, all elections of elected school
523 district trustees in consolidated school districts and
524 consolidated line school districts shall be held on the first
525 Tuesday after the first Monday in November of each year in the



526 same manner as general state and county elections are held and
527 conducted.

528 SECTION 11. Section 37-7-225, Mississippi Code of 1972, is
529 amended as follows:

530 37-7-225. The county election commissioners shall place the
531 name of any person eligible to hold the office of trustee on the
532 ballot used in the election, provided that such candidate has
533 filed with the county registrar, not more than ninety (90) days
534 nor less than sixty (60) days before the date of such election, a
535 petition of nomination signed by not less than fifty (50)
536 qualified electors of the school district or if the person seeks
537 to represent a separate election district, of the appropriate
538 election district. Where there are less than one hundred (100)
539 qualified electors in the school district or election district, as
540 the case may be, it shall only be required that the petition of
541 nomination be signed by at least twenty percent (20%) of the
542 qualified electors of such * * * district. If such person is a
543 candidate for an unexpired term, he shall indicate the term for
544 which he is a candidate in such petition; otherwise, he shall be
545 deemed to be a candidate for a full term.

546 If, after the time for candidates to file the petition of
547 nomination provided for herein, there is only one (1) person to
548 qualify for the office of trustee, then no election or notice of
549 election shall be necessary, and such person shall, if otherwise
550 qualified, be declared elected without opposition.

551 SECTION 12. Section 37-7-227, Mississippi Code of 1972, is
552 amended as follows:

553 37-7-227. The county election commissioners shall indicate
554 on the ballot which of the persons whose names appear thereon are
555 candidates for a full term, and which of such persons, if any, are
556 candidates for an unexpired term * * *. The candidate who
557 receives a majority of the votes cast, either for a full term or
558 for an unexpired term * * *, as indicated on the ballot, shall be



559 declared elected. The person or persons elected to a full term
560 shall assume the duties of * * * office on the first Monday of
561 January of the year following such election. The * * * persons
562 elected to an unexpired term shall assume office immediately. If
563 no candidate for the office of trustee receives a majority of the
564 votes cast at such election, a runoff shall be held in the same
565 manner on the third Tuesday after the first Monday in November
566 following such election between the two (2) candidates receiving
567 the highest number of votes upon such first ballot.

568 SECTION 13. Section 37-7-229, Mississippi Code of 1972, is
569 amended as follows:

570 37-7-229. For the purpose of holding such election, it shall
571 be the duty of the county election commissioners to prepare from
572 the records in the office of the county registrar a list of the
573 qualified electors of the school district, or of the separate
574 trustee election districts, in which such election is to be held
575 who are eligible to participate in such election. Such list shall
576 be furnished to the election managers in each precinct, together
577 with the ballots and other election supplies.

578 In the event that any election precinct embraces parts of two
579 (2) or more school districts, it shall be the duty of the county
580 election commissioners to prepare from the records in the office
581 of the county registrar separate lists of the qualified electors
582 of each school district who reside in that precinct and who are
583 eligible to participate in such election. The election
584 commissioners shall furnish to the election managers in the
585 precinct separate ballots and separate ballot boxes and separate
586 voting lists for each school district.

587 For each day spent in carrying out the provisions of Sections
588 37-7-225 through 37-7-229, the county election commissioners shall
589 be paid at the rate prescribed by law.

590 SECTION 14. Section 37-7-713, Mississippi Code of 1972, is
591 amended as follows:



592 37-7-713. In all special municipal separate school districts
593 where the district embraces less than the entire area of the
594 county and where the majority of the educable children of such
595 district reside outside the limits of the municipality, unless the
596 governing authorities of the municipality and the county provide
597 for one of the alternative methods of organization as set out in
598 Sections 37-7-715 and 37-7-717, the * * * special municipal
599 separate school district shall be governed by a board of trustees
600 consisting of five (5) members, to be elected by the qualified
601 electors of such municipal separate school district from the
602 district at large in the manner provided by Sections 37-7-209
603 through 37-7-219 * * *. Beginning in 2003, the trustees of such a
604 special municipal separate school district shall be elected for a
605 term of six (6) years, as herein provided. All such members of
606 the board of trustees shall be residents and qualified electors of
607 such school district. All vacancies which may occur during a term
608 of office shall be filled by appointment by the remaining members
609 of the board of trustees, such appointee to have the same
610 qualifications as other members of the board. Such appointment
611 shall be made within thirty (30) days after the vacancy occurs.
612 The person so appointed shall serve only until his successor shall
613 have qualified. The successor to serve the remainder of the
614 unexpired term shall be elected on the first Tuesday after the
615 first Monday in November next following the occurrence of such
616 vacancy in the same manner as provided for by Sections 37-7-209
617 through 37-7-219.

618 SECTION 15. The Attorney General of the State of Mississippi
619 shall submit this act, immediately upon approval by the Governor,
620 or upon approval by the Legislature subsequent to a veto, to the
621 Attorney General of the United States or to the United States
622 District Court for the District of Columbia in accordance with the
623 provisions of the Voting Rights Act of 1965, as amended and
624 extended.



625 SECTION 16. This act shall take effect and be in force from
626 and after July 1, 2003, if it is effectuated on or before that
627 date under Section 5 of the Voting Rights Act of 1965, as amended
628 and extended. If it is effectuated under Section 5 of the Voting
629 Rights Act of 1965, as amended and extended, after July 1, 2003,
630 this act shall take effect and be in force from and after the date
631 it is effectuated under Section 5 of the Voting Rights Act of
632 1965, as amended and extended.

