

By: Representatives Frierson, Evans, Horne,
Reeves, Smith (39th), Wallace

To: Education; Apportionment
and Elections

HOUSE BILL NO. 847

1 AN ACT TO REQUIRE THE ELECTION OF ALL SCHOOL BOARD MEMBERS IN
2 ALL SCHOOL DISTRICTS; TO AMEND SECTIONS 37-7-203 AND 37-7-703,
3 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ELECTION OF THE
4 MEMBERS OF SCHOOL BOARDS OF MUNICIPAL SEPARATE SCHOOL DISTRICTS
5 AND SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS FROM SCHOOL BOARD
6 MEMBER DISTRICTS BY THE QUALIFIED ELECTORS OF SUCH DISTRICTS, TO
7 DIRECT THE MUNICIPAL GOVERNING AUTHORITIES TO APPORTION THE SCHOOL
8 DISTRICTS INTO FIVE SCHOOL BOARD MEMBER DISTRICTS, TO ESTABLISH AN
9 ELECTION SCHEDULE IN ORDER TO PROVIDE FOR AN ORDERLY TRANSITION IN
10 THE MEMBERSHIP OF SCHOOL BOARDS FROM APPOINTED TO ELECTED MEMBERS,
11 AND TO PRESCRIBE THE TIME AND MANNER OF SUCH ELECTIONS AND THE
12 MANNER IN WHICH VACANCIES ON THE SCHOOL BOARDS SHALL BE FILLED; TO
13 AMEND SECTIONS 37-7-201 AND 37-7-221, MISSISSIPPI CODE OF 1972, IN
14 CONFORMITY THERETO; TO REPEAL SECTION 37-7-204, MISSISSIPPI CODE
15 OF 1972, WHICH PROVIDES FOR THE APPOINTMENT OF INTERIM BOARD
16 MEMBERS TO FILL CERTAIN VACANCIES ON THE SCHOOL BOARDS OF
17 COUNTYWIDE MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO REPEAL SECTIONS
18 37-7-209 THROUGH 37-7-219, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
19 CERTAIN METHODS FOR ELECTING TRUSTEES FROM ADDED TERRITORY OF
20 MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO REPEAL SECTIONS 37-7-705
21 THROUGH 37-7-717, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN
22 METHODS FOR SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE
23 SCHOOL DISTRICTS; AND FOR RELATED PURPOSES.

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

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

27 **[Until January 1, 2003, this section will read as follows:]**

28 37-7-203. (1) The boards of trustees of all municipal
29 separate school districts created under * * * this chapter, either
30 with or without added territory, shall consist of five (5)
31 members, each to be chosen for a term of five (5) years. However,
32 in order to provide for an orderly transition in the membership of
33 municipal separate school district boards of trustees from
34 appointed members, or appointed and elected members, to elected
35 members only, the terms of office of the school board members
36 which expire in the years 2003, 2004, 2005, 2006 and 2007 shall be
37 extended from March until the first Monday of July in the same



38 year, at which time the respective member's duly elected successor
39 shall take office. Each member of the board of trustees shall be
40 chosen so that the term of office of one (1) member shall expire
41 each year. In the event the added territory of a municipal
42 separate school district furnishes fifteen percent (15%) or more
43 of the pupils enrolled in the schools of such district, then at
44 least one (1) member of the board of trustees of such school
45 district shall be a resident of the added territory outside the
46 corporate limits. In the event the added territory of a municipal
47 separate school district furnishes thirty percent (30%) or more of
48 the pupils enrolled in the schools of such district, then not more
49 than two (2) members of the board of trustees of such school
50 district shall be residents of the added territory outside the
51 corporate limits. In the event the added territory of a municipal
52 separate school district in a county in which Mississippi Highways
53 8 and 15 intersect furnishes thirty percent (30%) or more of the
54 pupils enrolled in the schools of such district, then the five (5)
55 members of the board of trustees of such school district shall be
56 elected at large from such school district for a term of five (5)
57 years each except that the two (2) elected trustees presently
58 serving on such board shall continue to serve for their respective
59 terms of office. The three (3) appointed trustees presently
60 serving on such board shall continue to serve until their
61 successors are elected in March of 1975 in the manner provided for
62 in Section 37-7-215. At such election, one (1) trustee shall be
63 elected for a term of two (2) years, one (1) for a term of three
64 (3) years and one (1) for a term of five (5) years. Subsequent
65 terms for each successor trustee shall be for five (5) years or
66 for a term expiring on the first Monday of July if the term
67 expires in the year 2003, 2004 , 2005, 2006 or 2007. In the event
68 one (1) of two (2) municipal separate school districts located in
69 any county with two (2) judicial districts, District 1 being
70 comprised of Supervisors Districts 1, 2, 4 and 5, and District 2



71 being comprised of Supervisors District 3, with added territory
72 embraces three (3) full supervisors districts of a county, one (1)
73 trustee shall be elected from each of the three (3) supervisors
74 districts outside the corporate limits of the municipality. In
75 the further event that the territory of a municipal separate
76 school district located in any county with two (2) judicial
77 districts, District 1 being comprised of Supervisors Districts 1,
78 2, 4 and 5, and District 2 being comprised of Supervisors District
79 3, with added territory embraces four (4) full supervisors
80 districts in the county, and in any county in which a municipal
81 separate school district embraces the entire county in which
82 Highways 14 and 15 intersect, one (1) trustee shall be elected
83 from each supervisors district.

84 Except as otherwise provided herein, the trustees of such a
85 municipal separate school district shall be elected by a majority
86 of the governing authorities of the municipality at the first
87 meeting of the governing authorities held in the month of February
88 of each year, and the term of office of the member so elected
89 shall commence on the first Saturday of March following. In the
90 case of a member of the board of trustees who is required to come
91 from the added territory outside the corporate limits as is above
92 provided, such member of the board of trustees shall be elected by
93 the qualified electors of the school district residing in such
94 added territory outside the corporate limits at the same time and
95 in the same manner as is otherwise provided in this article for
96 the election of trustees of school districts other than municipal
97 separate school districts.

98 In the event that a portion of a county school district is
99 reconstituted, in the manner provided by law, into a municipal
100 separate school district with added territory and in the event
101 that the trustees to be elected from the added territory are
102 requested to be elected from separate election districts within
103 the added territory, instead of elected at-large, by the Attorney



104 General of the United States as a result of and pursuant to
105 preclearance under Section 5 of the Voting Rights Act of 1965 as
106 amended and extended, and in the event the added territory of a
107 municipal separate school district of a municipality furnishes
108 thirty percent (30%) or more of the pupils enrolled in the schools
109 of such district, then two (2) members of the board of trustees
110 shall be residents of the added territory outside the corporate
111 limits of such municipality and shall be elected from special
112 trustee election districts by the qualified electors thereof as
113 herein provided. The governing authorities of such municipality
114 shall apportion the added territory into two (2) special trustee
115 election districts as nearly equal as possible according to
116 population and other factors heretofore pronounced by the courts.
117 The governing authorities of such municipality shall thereafter
118 publish the same in a newspaper of general circulation within the
119 school district for at least two (2) consecutive weeks; and after
120 having given notice of publication and recording the same upon the
121 minutes of the governing authorities, the new district lines shall
122 thereafter be effective. Any person elected from the new trustee
123 election districts constituted herein shall be elected in the
124 manner provided for in Section 37-7-215 for a term of five (5)
125 years or for a term expiring on the first Monday of July if the
126 term of office expires in the year 2003, 2004, 2005, 2006 or 2007.
127 Any vacancy in the office of a trustee elected from such trustee
128 election district, whether occasioned by redistricting or by other
129 cause, shall be filled by appointment of the governing authorities
130 of the municipality, provided that the person so appointed shall
131 serve only until the first Saturday of March following his
132 appointment, at which time a person shall be elected for the
133 remainder of the unexpired term in the manner provided in Section
134 37-7-215.

135 In any county organizing a countywide municipal separate
136 school district after January 1, 1965, the trustees thereof to be



137 elected from outside the municipality, such trustees shall be
138 elected by the board of supervisors of such county, and the
139 superintendent of such school district shall have authority to pay
140 out and distribute the funds of the district. In the event a
141 municipal separate school district should occupy territory in a
142 county other than that in which the municipality is located and
143 fifteen percent (15%) or more of the pupils enrolled in the
144 schools of such district shall come from the territory of the
145 district in the county other than that in which the municipality
146 is located, the territory of such county in which the municipality
147 is not located shall be entitled to one (1) member on the board of
148 trustees of such school district. The trustee shall be a resident
149 of the territory of that part of the district lying in the county
150 in which the municipality is not located and shall be elected by
151 the qualified electors of the territory of such county at the same
152 time and in the same manner as is provided for the election of
153 trustees of school districts other than municipal separate school
154 districts having territory in two (2) or more counties.

155 All vacancies shall be filled for the unexpired terms by
156 appointment of the governing authorities of the municipality;
157 except that in the case of the trustees coming from the added
158 territory outside the corporate limits, the person so appointed
159 shall serve only until the first Saturday of March following his
160 appointment, at which time a person shall be elected for the
161 remainder of the unexpired term in the manner otherwise provided
162 herein.

163 No person who is a member of such governing body, or who is
164 an employee of the municipality, or who is a member of the county
165 board of education, or who is a trustee of any public, private or
166 sectarian school or college located in the county, inclusive of
167 the municipal separate school district, or who is a teacher in or
168 a trustee of the school district, shall be eligible for
169 appointment to the board of trustees.



170 (2) In counties of less than fifteen thousand (15,000)
171 people having a municipal separate school district with added
172 territory which embraces all the territory of a county, one (1) or
173 more trustees of such district shall be nominated from each
174 supervisors district upon petition of fifty (50) qualified
175 electors of the district, or twenty percent (20%) of the qualified
176 electors of such district, whichever number shall be smaller, and
177 shall be elected by a plurality of the vote of the qualified
178 electors of the county. One (1) trustee so elected shall reside
179 in each supervisors district of the county. In such counties
180 embraced entirely by a municipal separate school district there
181 shall be no county board of education after the formation of such
182 district and the county superintendent of education shall act as
183 superintendent of schools of the district and shall be appointed
184 by the board of trustees of the district, and the provisions of
185 subsection (1) of this section and the first paragraph of Section
186 37-7-211 shall not apply to such districts.

187 **[From and after January 1, 2003, this section will read as**
188 **follows:]**

189 37-7-203. (1) The school boards * * * of all municipal
190 separate school districts * * * shall consist of five (5) members.
191 Beginning in 2003, the members of the school board shall be
192 elected from special school board member districts in the manner
193 provided under this section.

194 (2) As soon as practicable after the results of the 2000
195 federal decennial census are published, the municipal governing
196 authority shall apportion the municipal separate school district,
197 including any added territory, into five (5) single school board
198 member districts. The school board member districts must be as
199 nearly equal as possible according to population. The municipal
200 governing authority shall submit the school board member district
201 lines to the Attorney General of the United States for
202 preclearance or to the United States District Court for the



203 District of Columbia for a declaratory judgment in accordance with
204 the provisions of the Voting Rights Act of 1965, as amended and
205 extended. If the school board member district lines are
206 precleared by the United States Department of Justice or approved
207 by the United States District Court, the municipal governing
208 authority and the school board of the municipal separate school
209 district shall place upon their minutes the boundaries established
210 for the five (5) school board member districts, and the school
211 board shall publish the boundaries in a newspaper of general
212 circulation within the school district for at least three (3)
213 consecutive weeks. After having given notice of publication and
214 recording the publication upon the minutes of the school board,
215 the school board member district lines shall be effective. As
216 soon as practicable after the results of the 2010 federal
217 decennial census and every federal decennial census thereafter are
218 published, the municipal governing authority shall reapportion the
219 school board member districts in the manner prescribed in this
220 subsection for the creation of the original districts.

221 (3) In order to provide for an orderly transition in the
222 membership of municipal separate school boards from appointed
223 members, or appointed and elected members, to elected members
224 only, the following election schedule is established for all
225 municipal separate school districts:

226 (a) On the first Tuesday after the first Monday in June
227 2003, an election shall be held for the purpose of electing a
228 member of the school board to succeed the member whose term of
229 office expires on the first Monday of July 2003. The initial term
230 of office of this elected member of the school board shall expire
231 on the first Monday of July 2005.

232 (b) On the first Tuesday after the first Monday in June
233 2004, an election shall be held for the purpose of electing a
234 member of the school board to succeed the member whose term of
235 office expires on the first Monday of July 2004. The initial term



236 of office of this elected member of the school board shall expire
237 on the first Monday of July 2005.

238 (c) At the general municipal election held on the first
239 Tuesday after the first Monday in June 2005, an election shall be
240 held for the purpose of electing a member of the school board to
241 succeed the member whose term of office expires on the first
242 Monday of July 2005 and for electing the successors to the members
243 elected under paragraphs (a) and (b) of this subsection. The term
244 of office of these elected members of the school board shall
245 expire on the first Monday of July 2009.

246 (d) On the first Tuesday after the first Monday in June
247 2006, an election shall be held for the purpose of electing a
248 member of the school board to succeed the member whose term of
249 office expires on the first Monday of July 2006. The initial term
250 of office of this elected member of the school board shall expire
251 on the first Monday of July 2009.

252 (e) On the first Tuesday after the first Monday in June
253 2007, an election shall be held for the purpose of electing a
254 member of the school board to succeed the member whose term of
255 office expires on the first Monday of July 2007. The initial term
256 of office of this elected member of the school board shall expire
257 on the first Monday of July 2009.

258 Upon the expiration of the initial terms of office, all
259 persons elected to serve on the school board of a municipal
260 separate school district shall serve for a term of four (4) years.

261 On the first Tuesday after the first Monday in June 2009, and
262 every four (4) years thereafter, the election of members of the
263 school boards of municipal separate school districts shall be held
264 in the same manner and at the same time as the general municipal
265 elections are held.

266 (4) Candidates for the school board of the municipal
267 separate school district shall file with the municipal election
268 commissioners, not more than ninety (90) days and not less than



269 sixty (60) days before the date of the election, a petition of
270 nomination signed by at least fifty (50) or twenty percent (20%)
271 of the qualified electors of the school board member district,
272 whichever is less. The name of each qualified candidate shall be
273 placed on the ballot. The election shall be held in the same
274 manner as the general municipal elections are held. The candidate
275 in each school board member district who receives a majority of
276 the votes cast by the qualified electors in that district shall be
277 elected. However, if no candidate receives a majority of the
278 votes, a runoff election shall be held two (2) weeks after the
279 election. The names of the candidate receiving the highest number
280 of votes and the candidate, or candidates in the event of a tie,
281 receiving the next highest vote for the office shall be placed on
282 the ballot in the runoff election. The person receiving the
283 highest number of votes cast by the qualified electors in the
284 runoff election shall be elected. All persons elected to serve on
285 the school board of the municipal separate school district shall
286 take office on the first Monday of July next following the date of
287 their election.

288 (5) Whenever there is a vacancy in the membership of the
289 school board of the municipal separate school district, the
290 vacancy shall be filled, depending upon the length of the
291 unexpired term of the vacated office, in the manner provided under
292 this subsection.

293 (a) If the unexpired term of the vacated office is six
294 (6) months or less, the remaining members of the school board
295 shall appoint, within sixty (60) days after the vacancy occurs, a
296 person to serve the unexpired portion of the term. The appointee
297 shall be selected from the qualified electors of the school board
298 member district in which the vacancy occurs. The chairman of the
299 school board shall certify to the Secretary of State the fact of
300 the appointment, and the Governor shall commission the person
301 appointed.



302 (b) If the unexpired term of the vacated office is
303 greater than six (6) months, an election shall be held to fill the
304 vacancy. The school board shall certify in writing the fact of
305 the vacancy to the governing authority of the municipality. At
306 the next regular meeting of the governing authority after its
307 receipt of certification of the vacancy from the school board, the
308 governing authority shall make and enter on its minutes an order
309 for an election to be held in the school board member district in
310 which the vacancy exists and shall fix the date upon which the
311 election shall be held, which date shall not be less than thirty
312 (30) days nor more than forty-five (45) days after the date upon
313 which the order is adopted.

314 The municipal clerk shall publish notice of the election in a
315 newspaper of general circulation within the municipality once each
316 week for three (3) successive weeks preceding the date of the
317 election. The first notice must be published at least thirty (30)
318 days before the date of the election. Notice also shall be given
319 by the school board by posting a copy of the notice at three (3)
320 public places in the school board member district in which the
321 vacancy exists and at the administrative offices of the school
322 board not less than twenty-one (21) days before the date of the
323 election.

324 Candidates for the vacated office shall file with the
325 municipal clerk, not less than ten (10) days before the date of
326 the election, a petition of nomination signed by at least fifty
327 (50) or twenty percent (20%) of the qualified electors of the
328 school board member district, whichever is less. The election
329 shall be held, as far as practicable, in the same manner as school
330 board elections are conducted under this section. The candidate
331 who receives a majority of the votes cast by the qualified
332 electors in the school board member district shall be elected.
333 However, if no candidate receives a majority of the votes, a
334 runoff election shall be held two (2) weeks after the election.



335 The names of the candidate receiving the highest number of votes
336 and the candidate, or candidates in the event of a tie, receiving
337 the next highest vote for the office shall be placed on the ballot
338 in the runoff election. The person receiving the highest number
339 of votes cast by the qualified electors in the runoff election
340 shall be elected. The clerk of the municipal election commission
341 shall give a certificate of election to the person elected and
342 shall return to the Secretary of State a copy of the order of
343 holding the election and its results, certified by the municipal
344 clerk. The Governor shall commission the person elected to serve
345 the remainder of the unexpired term.

346 However, if nine (9) days before the date of the election
347 only one (1) person has qualified as a candidate, the governing
348 authority shall dispense with the election, and the remaining
349 members of the school board shall appoint that candidate to fill
350 the unexpired term. If no person has qualified at least nine (9)
351 days before the election, the governing authority shall dispense
352 with the election, and the remaining members of the school board
353 shall appoint a person, selected from the qualified electors of
354 the school board member district in which the vacancy exists, to
355 fill the unexpired term. The chairman of the school board shall
356 certify to the Secretary of State the fact of the appointment, and
357 the Governor shall commission the person appointed.

358 SECTION 2. Section 37-7-703, Mississippi Code of 1972, is
359 amended as follows:

360 **[Until January 1, 2003, this section will read as follows:]**

361 37-7-703. In all such special municipal separate school
362 districts which embrace the entire county in which, according to
363 the latest available federal census, a majority of the inhabitants
364 of the county reside within the corporate limits of the
365 municipality, the board of trustees of such special municipal
366 separate school district shall be chosen and selected in the
367 manner provided by subsection (1) of Section 37-7-203, and all of



368 the provisions thereof shall be fully applicable in all respects
369 to the selection and constitution of such board of trustees.

370 **[From and after January 1, 2003, this section will read as**
371 **follows:]**

372 37-7-703. (1) In all * * * special municipal separate
373 school districts, beginning in 2003, the members of the school
374 board * * * of the special municipal separate school district
375 shall be elected in the manner provided in this section.

376 (2) Each member of the school board of the special municipal
377 separate school district shall be elected from a special school
378 board member district by the qualified electors of that district.
379 As soon as practicable after the results of the 2000 federal
380 decennial census are published, the municipal governing authority
381 shall apportion the special municipal separate school district,
382 including any added territory, into five (5) single school board
383 member districts. The school board member districts must be as
384 nearly equal as possible according to population. The municipal
385 governing authority shall submit the school board member district
386 lines to the Attorney General of the United States for
387 preclearance or to the United States District Court for the
388 District of Columbia for a declaratory judgment in accordance with
389 the provisions of the Voting Rights Act of 1965, as amended and
390 extended. If the school board member district lines are
391 precleared by the United States Department of Justice or approved
392 by the United States District Court, the municipal governing
393 authority and the school board of the special municipal separate
394 school district shall place upon their minutes the boundaries
395 established for the five (5) school board member districts, and
396 the school board shall publish the boundaries in a newspaper of
397 general circulation within the school district for at least three
398 (3) consecutive weeks. After having given notice of publication
399 and recording the publication upon the minutes of the school
400 board, the school board member district lines shall be effective.



401 As soon as practicable after the results of the 2010 federal
402 decennial census and every federal decennial census thereafter are
403 published, the municipal governing authority shall reapportion the
404 school board member districts in the manner prescribed in this
405 subsection for the creation of the original districts.

406 (3) In order to provide for an orderly transition in the
407 membership of special municipal separate school boards from
408 appointed members, or appointed and elected members, to elected
409 members only, the following election schedule is established for
410 all special municipal separate school districts:

411 (a) On the first Tuesday after the first Monday in June
412 2003, an election shall be held for the purpose of electing a
413 member of the school board to succeed the member whose term of
414 office expires on the first Monday of July 2003. The initial term
415 of office of this elected member of the school board shall expire
416 on the first Monday of July 2005.

417 (b) On the first Tuesday after the first Monday in June
418 2004, an election shall be held for the purpose of electing a
419 member of the school board to succeed the member whose term of
420 office expires on the first Monday of July 2004. The initial term
421 of office of this elected member of the school board shall expire
422 on the first Monday of July 2005.

423 (c) At the general municipal election held on the first
424 Tuesday after the first Monday in June 2005, an election shall be
425 held for the purpose of electing a member of the school board to
426 succeed the member whose term of office expires on the first
427 Monday of July 2005 and for electing the successors to the members
428 elected under paragraphs (a) and (b) of this subsection. The term
429 of office of these elected members of the school board shall
430 expire on the first Monday of July 2009.

431 (d) On the first Tuesday after the first Monday in June
432 2006, an election shall be held for the purpose of electing a
433 member of the school board to succeed the member whose term of



434 office expires on the first Monday of July 2006. The initial term
435 of office of this elected member of the school board shall expire
436 on the first Monday of July 2009.

437 (e) On the first Tuesday after the first Monday in June
438 2007, an election shall be held for the purpose of electing a
439 member of the school board to succeed the member whose term of
440 office expires on the first Monday of July 2007. The initial term
441 of office of this elected member of the school board shall expire
442 on the first Monday of July 2009.

443 Upon the expiration of the initial terms of office, all
444 persons elected to serve on the school board of a special
445 municipal separate school district shall serve for a term of four
446 (4) years.

447 On the first Tuesday after the first Monday in June 2009, and
448 every four (4) years thereafter, the election of members of the
449 school boards of special municipal separate school districts shall
450 be held in the same manner and at the same time as the general
451 municipal elections are held.

452 (4) Candidates for the school board of the special municipal
453 separate school district shall file with the municipal election
454 commissioners, not more than ninety (90) days and not less than
455 sixty (60) days before the date of the general election, a
456 petition of nomination signed by at least fifty (50) or twenty
457 percent (20%) of the qualified electors of the school board member
458 district, whichever is less. The name of each qualified candidate
459 shall be placed on the ballot. The election shall be held in the
460 same manner as the general principal elections are held. The
461 candidate in each school board member district who receives a
462 majority of the votes cast by the qualified electors in that
463 district shall be elected. However, if no candidate receives a
464 majority of the votes, a runoff election shall be held two (2)
465 weeks after the election. The names of the candidate receiving
466 the highest number of votes and the candidate, or candidates in



467 the event of a tie, receiving the next highest vote for the office
468 shall be placed on the ballot in the runoff election. The person
469 receiving the highest number of votes cast by the qualified
470 electors in the runoff election shall be elected. All persons
471 elected to serve on the school board of the special municipal
472 separate school district shall take office on the first Monday of
473 July next following the date of their election.

474 (5) Whenever there is a vacancy in the membership of the
475 school board of the special municipal separate school district,
476 the vacancy shall be filled, depending upon the length of the
477 unexpired term of the vacated office, in the manner provided under
478 this subsection.

479 (a) If the unexpired term of the vacated office is six
480 (6) months or less, the remaining members of the school board
481 shall appoint, within sixty (60) days after the vacancy occurs, a
482 person to serve the unexpired portion of the term. The appointee
483 shall be selected from the qualified electors of the school board
484 member district in which the vacancy occurs. The chairman of the
485 school board shall certify to the Secretary of State the fact of
486 the appointment, and the Governor shall commission the person
487 appointed.

488 (b) If the unexpired term of the vacated office is
489 greater than six (6) months, an election shall be held to fill the
490 vacancy. The school board shall certify in writing the fact of
491 the vacancy to the governing authority of the municipality. At
492 the next regular meeting of the governing authority after its
493 receipt of certification of the vacancy from the school board, the
494 governing authority shall make and enter on its minutes an order
495 for an election to be held in the school board member district in
496 which the vacancy exists and shall fix the date upon which the
497 election shall be held, which date shall not be less than thirty
498 (30) days nor more than forty-five (45) days after the date upon
499 which the order is adopted.



500 The municipal clerk shall publish notice of the election in a
501 newspaper of general circulation within the municipality once each
502 week for three (3) successive weeks preceding the date of the
503 election. The first notice must be published at least thirty (30)
504 days before the date of the election. Notice also shall be given
505 by the school board by posting a copy of the notice at three (3)
506 public places in the school board member district in which the
507 vacancy exists and at the administrative offices of the school
508 board not less than twenty-one (21) days before the date of the
509 election.

510 Candidates for the vacated office shall file with the
511 municipal clerk, not less than ten (10) days before the date of
512 the election, a petition of nomination signed by at least fifty
513 (50) or twenty percent (20%) of the qualified electors of the
514 school board member district, whichever is less. The election
515 shall be held, as far as practicable, in the same manner as school
516 board elections are conducted under this section. The candidate
517 who receives a majority of the votes cast by the qualified
518 electors in the school board member district shall be elected.
519 However, if no candidate receives a majority of the votes, a
520 runoff election shall be held two (2) weeks after the election.
521 The names of the candidate receiving the highest number of votes
522 and the candidate, or candidates in the event of a tie, receiving
523 the next highest vote for the office shall be placed on the ballot
524 in the runoff election. The person receiving the highest number
525 of votes cast by the qualified electors in the runoff election
526 shall be elected. The clerk of the municipal election commission
527 shall give a certificate of election to the person elected and
528 shall return to the Secretary of State a copy of the order of
529 holding the election and its results, certified by the municipal
530 clerk. The Governor shall commission the person elected to serve
531 the remainder of the unexpired term.



532 However, if nine (9) days before the date of the election
533 only one (1) person has qualified as a candidate, the governing
534 authority shall dispense with the election, and the remaining
535 members of the school board shall appoint that candidate to fill
536 the unexpired term. If no person has qualified at least nine (9)
537 days before the election, the governing authority shall dispense
538 with the election, and the remaining members of the school board
539 shall appoint a person, selected from the qualified electors of
540 the school board member district in which the vacancy exists, to
541 fill the unexpired term. The chairman of the school board shall
542 certify to the Secretary of State the fact of the appointment, and
543 the Governor shall commission the person appointed.

544 SECTION 3. Section 37-7-201, Mississippi Code of 1972, is
545 amended as follows:

546 **[Until January 1, 2003, this section will read as follows:]**

547 37-7-201. In order for a person to be eligible to hold the
548 office of trustee of any school district, such person must be a
549 bona fide resident and a qualified elector of such school
550 district, and, in the case of a school district lying in two (2)
551 or more counties, but not including municipal separate school
552 districts, such person must be a bona fide resident and a
553 qualified elector of the territory entitled to such representation
554 on the board.

555 **[From and after January 1, 2003, this section will read as**
556 **follows:]**

557 37-7-201. In order for a person to be eligible to be elected
558 to the office of school board member of any school district, the
559 person must be a bona fide resident and a qualified elector
560 of * * * the school board member district entitled to such
561 representation on the school board.

562 SECTION 4. Section 37-7-221, Mississippi Code of 1972, is
563 amended as follows:



564 37-7-221. The election of consolidated or consolidated line
565 school district trustees shall be held in the manner provided for
566 in Sections 37-7-223 through 37-7-229 * * *.

567 SECTION 5. Section 37-7-204, Mississippi Code of 1972, which
568 provides for the appointment of interim board members to fill
569 certain vacancies on the school boards of countywide municipal
570 separate school districts, shall be repealed on January 1, 2003.

571 SECTION 6. Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,
572 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
573 certain methods for electing trustees from added territory of
574 municipal separate school districts, shall be repealed on January
575 1, 2003.

576 SECTION 7. Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,
577 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which
578 provide various methods for selecting trustees of special
579 municipal separate school districts, shall be repealed on January
580 1, 2003.

581 SECTION 8. The Attorney General of the State of Mississippi
582 is directed to submit this act, immediately upon approval by the
583 Governor, or upon approval by the Legislature subsequent to a
584 veto, to the Attorney General of the United States or to the
585 United States District Court for the District of Columbia in
586 accordance with the provisions of the Voting Rights Act of 1965,
587 as amended and extended.

588 SECTION 9. This act shall take effect and be in force from
589 and after the date it is effectuated under Section 5 of the Voting
590 Rights Act of 1965, as amended and extended.

