MISSISSIPPI LEGISLATURE
To: Education; Apportionment and Elections

ABRIDGED BILL

HOUSE BILL NO. 1438

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

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

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

37-7-203. (1) The boards of trustees of all municipal

H. B. No. 1438

01/HR07/R1661
PAGE 1 (HM\S)
with or without added territory, shall consist of five (5)
members, each to be chosen for a term of five (5) years. However, in order to provide for an orderly transition in the membership of municipal separate school district boards of trustees from appointed members, or appointed and elected members, to elected members only, the terms of office of the school board members which expire in the years 2003, 2004, 2005, 2006 and 2007 shall be extended from March until the first Monday of July in the same year, at which time the respective member’s duly elected successor shall take office. Each member of the board of trustees shall be chosen so that the term of office of one (1) member shall expire each year. In the event the added territory of a municipal separate school district furnishes fifteen percent (15%) or more of the pupils enrolled in the schools of such district, then at least one (1) member of the board of trustees of such school district shall be a resident of the added territory outside the corporate limits. In the event the added territory of a municipal separate school district furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then not more than two (2) members of the board of trustees of such school district shall be residents of the added territory outside the corporate limits. In the event the added territory of a municipal separate school district in a county in which Mississippi Highways 8 and 15 intersect furnishes thirty percent (30%) or more of the pupils enrolled in the schools of such district, then the five (5) members of the board of trustees of such school district shall be elected at large from such school district for a term of five (5) years each except that the two (2) elected trustees presently serving on such board shall continue to serve for their respective terms of office. The three (3) appointed trustees presently serving on such board shall continue to serve until their successors are elected in March of 1975 in the manner provided for in Section 37-7-215. At such election, one (1) trustee shall be
elected for a term of two (2) years, one (1) for a term of three (3) years and one (1) for a term of five (5) years. Subsequent terms for each successor trustee shall be for five (5) years or for a term expiring on the first Monday of July if the term expires in the year 2003, 2004, 2005, 2006 or 2007. In the event one (1) of two (2) municipal separate school districts located in any county with two (2) judicial districts, District 1 being comprised of Supervisors Districts 1, 2, 4 and 5, and District 2 being comprised of Supervisors District 3, with added territory embraces three (3) full supervisors districts of a county, one (1) trustee shall be elected from each of the three (3) supervisors districts outside the corporate limits of the municipality. In the further event that the territory of a municipal separate school district located in any county with two (2) judicial districts, District 1 being comprised of Supervisors Districts 1, 2, 4 and 5, and District 2 being comprised of Supervisors District 3, with added territory embraces four (4) full supervisors districts in the county, and in any county in which a municipal separate school district embraces the entire county in which Highways 14 and 15 intersect, one (1) trustee shall be elected from each supervisors district.

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

   In the event that a portion of a county school district is
reconstituted, in the manner provided by law, into a municipal
separate school district with added territory and in the event
that the trustees to be elected from the added territory are
requested to be elected from separate election districts within
the added territory, instead of elected at-large, by the Attorney
General of the United States as a result of and pursuant to
preclearance under Section 5 of the Voting Rights Act of 1965 as
amended and extended, and in the event the added territory of a
municipal separate school district of a municipality furnishes
thirty percent (30%) or more of the pupils enrolled in the schools
of such district, then two (2) members of the board of trustees
shall be residents of the added territory outside the corporate
limits of such municipality and shall be elected from special
trustee election districts by the qualified electors thereof as
herein provided. The governing authorities of such municipality
shall apportion the added territory into two (2) special trustee
election districts as nearly equal as possible according to
population and other factors heretofore pronounced by the courts.
The governing authorities of such municipality shall thereafter
publish the same in a newspaper of general circulation within the
school district for at least two (2) consecutive weeks; and after
having given notice of publication and recording the same upon the
minutes of the governing authorities, the new district lines shall
thereafter be effective. Any person elected from the new trustee
election districts constituted herein shall be elected in the
manner provided for in Section 37-7-215 for a term of five (5)
years or for a term expiring on the first Monday of July if the
Any vacancy in the office of a trustee elected from such trustee
election district, whether occasioned by redistricting or by other
cause, shall be filled by appointment of the governing authorities of the municipality, provided that the person so appointed shall serve only until the first Saturday of March following his appointment, at which time a person shall be elected for the remainder of the unexpired term in the manner provided in Section 37-7-215.

In any county organizing a countywide municipal separate school district after January 1, 1965, the trustees thereof to be elected from outside the municipality, such trustees shall be elected by the board of supervisors of such county, and the superintendent of such school district shall have authority to pay out and distribute the funds of the district. In the event a municipal separate school district should occupy territory in a county other than that in which the municipality is located and fifteen percent (15%) or more of the pupils enrolled in the schools of such district shall come from the territory of the district in the county other than that in which the municipality is located, the territory of such county in which the municipality is not located shall be entitled to one (1) member on the board of trustees of such school district. The trustee shall be a resident of the territory of that part of the district lying in the county in which the municipality is not located and shall be elected by the qualified electors of the territory of such county at the same time and in the same manner as is provided for the election of trustees of school districts other than municipal separate school districts having territory in two (2) or more counties.

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

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

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

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

37-7-203. (1) The school boards of all municipal separate school districts shall consist of five (5) members. Beginning in 2003, the members of the school board shall be elected from special school board member districts in the manner provided under this section.
(2) As soon as practicable after the results of the 2000 federal decennial census are published, the municipal governing authority shall apportion the municipal separate school district, including any added territory, into five (5) single school board member districts. The school board member districts must be as nearly equal as possible according to population. The municipal governing authority shall submit the school board member district lines to the Attorney General of the United States for preclearance or to the United States District Court for the District of Columbia for a declaratory judgment in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended. If the school board member district lines are precleared by the United States Department of Justice or approved by the United States District Court, the municipal governing authority and the school board of the municipal separate school district shall place upon their minutes the boundaries established for the five (5) school board member districts, and the school board shall publish the boundaries in a newspaper of general circulation within the school district for at least three (3) consecutive weeks. After having given notice of publication and recording the publication upon the minutes of the school board, the school board member district lines shall be effective. As soon as practicable after the results of the 2010 federal decennial census and every federal decennial census thereafter are published, the municipal governing authority shall reapportion the school board member districts in the manner prescribed in this subsection for the creation of the original districts.

(3) In order to provide for an orderly transition in the membership of municipal separate school boards from appointed members, or appointed and elected members, to elected members only, the following election schedule is established for all municipal separate school districts:
(a) On the first Tuesday after the first Monday in June 2003, an election shall be held for the purpose of electing a member of the school board to succeed the member whose term of office expires on the first Monday of July 2003. The initial term of office of this elected member of the school board shall expire on the first Monday of July 2005.

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

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

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

(e) On the first Tuesday after the first Monday in June 2007, an election shall be held for the purpose of electing a member of the school board to succeed the member whose term of office expires on the first Monday of July 2007. The initial term of office of this elected member of the school board shall expire on the first Monday of July 2009.
Upon the expiration of the initial terms of office, all persons elected to serve on the school board of a municipal separate school district shall serve for a term of four (4) years.

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

(4) Candidates for the school board of the municipal separate school district shall file with the municipal election commissioners, not more than ninety (90) days and not less than sixty (60) days before the date of the election, a petition of nomination signed by at least fifty (50) or twenty percent (20%) of the qualified electors of the school board member district, whichever is less. The name of each qualified candidate shall be placed on the ballot. The election shall be held in the same manner as the general municipal elections are held. The candidate in each school board member district who receives a majority of the votes cast by the qualified electors in that district shall be elected. However, if no candidate receives a majority of the votes, a runoff election shall be held two (2) weeks after the election. The names of the candidate receiving the highest number of votes and the candidate, or candidates in the event of a tie, receiving the next highest vote for the office shall be placed on the ballot in the runoff election. The person receiving the highest number of votes cast by the qualified electors in the runoff election shall be elected. All persons elected to serve on the school board of the municipal separate school district shall take office on the first Monday of July next following the date of their election.

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

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

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

The municipal clerk shall publish notice of the election in a
newspaper of general circulation within the municipality once each
week for three (3) successive weeks preceding the date of the
election. The first notice must be published at least thirty (30)
days before the date of the election. Notice also shall be given
by the school board by posting a copy of the notice at three (3)
public places in the school board member district in which the
vacancy exists and at the administrative offices of the school
board not less than twenty-one (21) days before the date of the
election.
Candidates for the vacated office shall file with the municipal clerk, not less than ten (10) days before the date of the election, a petition of nomination signed by at least fifty (50) or twenty percent (20%) of the qualified electors of the school board member district, whichever is less. The election shall be held, as far as practicable, in the same manner as school board elections are conducted under this section. The candidate who receives a majority of the votes cast by the qualified electors in the school board member district shall be elected. However, if no candidate receives a majority of the votes, a runoff election shall be held two (2) weeks after the election. The names of the candidate receiving the highest number of votes and the candidate, or candidates in the event of a tie, receiving the next highest vote for the office shall be placed on the ballot in the runoff election. The person receiving the highest number of votes cast by the qualified electors in the runoff election shall be elected. The clerk of the municipal election commission shall give a certificate of election to the person elected and shall return to the Secretary of State a copy of the order of holding the election and its results, certified by the municipal clerk. The Governor shall commission the person elected to serve the remainder of the unexpired term.

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

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

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

37-7-703. In all such special municipal separate school
districts which embrace the entire county in which, according to
the latest available federal census, a majority of the inhabitants
of the county reside within the corporate limits of the
municipality, the board of trustees of such special municipal
separate school district shall be chosen and selected in the
manner provided by subsection (1) of Section 37-7-203, and all of
the provisions thereof shall be fully applicable in all respects
to the selection and constitution of such board of trustees.

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

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

(2) Each member of the school board of the special municipal
separate school district shall be elected from a special school
board member district by the qualified electors of that district.
As soon as practicable after the results of the 2000 federal
decennial census are published, the municipal governing authority
shall apportion the special municipal separate school district,
including any added territory, into five (5) single school board
member districts. The school board member districts must be as
nearly equal as possible according to population. The municipal
governing authority shall submit the school board member district
lines to the Attorney General of the United States for
preclearance or to the United States District Court for the
District of Columbia for a declaratory judgment in accordance with
the provisions of the Voting Rights Act of 1965, as amended and extended. If the school board member district lines are precleared by the United States Department of Justice or approved by the United States District Court, the municipal governing authority and the school board of the special municipal separate school district shall place upon their minutes the boundaries established for the five (5) school board member districts, and the school board shall publish the boundaries in a newspaper of general circulation within the school district for at least three (3) consecutive weeks. After having given notice of publication and recording the publication upon the minutes of the school board, the school board member district lines shall be effective. As soon as practicable after the results of the 2010 federal decennial census and every federal decennial census thereafter are published, the municipal governing authority shall reapportion the school board member districts in the manner prescribed in this subsection for the creation of the original districts.

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

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

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

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

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

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

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

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

(4) Candidates for the school board of the special municipal separate school district shall file with the municipal election
commissioners, not more than ninety (90) days and not less than sixty (60) days before the date of the general election, a petition of nomination signed by at least fifty (50) or twenty percent (20%) of the qualified electors of the school board member district, whichever is less. The name of each qualified candidate shall be placed on the ballot. The election shall be held in the same manner as the general principal elections are held. The candidate in each school board member district who receives a majority of the votes cast by the qualified electors in that district shall be elected. However, if no candidate receives a majority of the votes, a runoff election shall be held two (2) weeks after the election. The names of the candidate receiving the highest number of votes and the candidate, or candidates in the event of a tie, receiving the next highest vote for the office shall be placed on the ballot in the runoff election. The person receiving the highest number of votes cast by the qualified electors in the runoff election shall be elected. All persons elected to serve on the school board of the special municipal separate school district shall take office on the first Monday of July next following the date of their election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 8. Section 37-9-13, Mississippi Code of 1972, is amended as follows:

37-9-13. (1) From and after January 1, 2004, in all public school districts, the school board, on or before January 15 of

H. B. No. 1438

*HR07/R1661*

01/HR07/R1661

PAGE 18 (RM/HS)
each year, shall appoint the superintendent of schools of the
district, except in those cases where the superintendent has been
selected previously and has a contract which is valid for the
ensuing scholastic year.

(2) * * * No person shall be eligible to the office of
superintendent of schools unless such person shall hold a valid
Class AA administrator's certificate issued by the State
Department of Education and shall have had not less than four (4)
years of classroom or administrative experience.

SECTION 9. Section 37-9-25, Mississippi Code of 1972, is
amended as follows:

37-9-25. The school board shall have the power and
authority, in its discretion, to employ the superintendent * * *
for not exceeding four (4) scholastic years and the principals or
licensed employees for not exceeding three (3) scholastic years.
In such case, contracts shall be entered into with such
superintendents, principals and licensed employees for the number
of years for which they have been employed. All such contracts
with licensed employees shall for the years after the first year
thereof be subject to the contingency that the licensed employee
may be released if, during the life of the contract, the average
daily attendance should decrease from that existing during the
previous year and thus necessitate a reduction in the number of
licensed employees during any year after the first year of the
contract. However, in all such cases the licensed employee must
be released before July 1 or at least thirty (30) days prior to
the beginning of the school term, whichever date should occur
earlier. The salary to be paid for the years after the first year
of such contract shall be subject to revision, either upward or
downward, in the event of an increase or decrease in the funds
available for the payment thereof, but, unless such salary is
revised prior to the beginning of a school year, it shall remain
for such school year at the amount fixed in such contract.
However, where school district funds, other than minimum education program funds, are available during the school year in excess of the amount anticipated at the beginning of the school year the salary to be paid for such year may be increased to the extent that such additional funds are available and nothing herein shall be construed to prohibit same.

SECTION 10. Section 37-9-12, Mississippi Code of 1972, which provides for a referendum on the question of retaining the elective method of choosing the county superintendent of education, is repealed.


SECTION 12. Section 23-15-297, Mississippi Code of 1972, is amended as follows:

23-15-297. All candidates upon entering the race for party nominations for office shall first pay to the proper officer as provided for in Section 23-15-299 for each primary election the following amounts:

(a) Candidates for Governor not to exceed Three Hundred Dollars ($300.00).

(b) Candidates for Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, Commissioner of Insurance, Commissioner of Agriculture and Commerce, State Highway Commissioner and State Public Service Commissioner, not to exceed Two Hundred Dollars ($200.00).

(c) Candidates for district attorney, not to exceed One Hundred Dollars ($100.00).

(d) Candidates for State Senator, State Representative, sheriff, chancery clerk, circuit clerk, tax assessor, tax collector, county attorney * * * and board of supervisors, not to exceed Fifteen Dollars ($15.00).
(e) Candidates for county surveyor, county coroner, justice court judge and constable, not to exceed Ten Dollars ($10.00).

(f) Candidates for United States Senator, not to exceed Three Hundred Dollars ($300.00).

(g) Candidates for United States Representative, not to exceed Two Hundred Dollars ($200.00).

SECTION 13. The Attorney General of the State of Mississippi is directed to submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 14. Sections 1 through 7 of this act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended. Sections 8 through 12 of this act shall take effect and be in force from and after January 1, 2003, or the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, whichever is later.