

By: Senator(s) Chaney

To: Education; Elections

SENATE BILL NO. 2964

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 shall submit this act, immediately upon approval by the Governor,  
583 or upon approval by the Legislature subsequent to a veto, to the  
584 Attorney General of the United States or to the United States  
585 District Court for the District of Columbia in accordance with the  
586 provisions of the Voting Rights Act of 1965, as amended and  
587 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.