

By: Representative Eads

To: Education; Apportionment
and Elections

HOUSE BILL NO. 497

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; TO AMEND SECTION 37-9-13, MISSISSIPPI CODE OF
24 1972, TO PROVIDE FOR THE APPOINTMENT OF ALL SUPERINTENDENTS OF
25 SCHOOLS FROM AND AFTER JANUARY 1, 2004; TO AMEND SECTION 37-9-25,
26 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTION
27 37-9-12, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM
28 ON THE QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE
29 COUNTY SUPERINTENDENT OF EDUCATION; TO REPEAL, FROM AND AFTER
30 JANUARY 1, 2003, SECTIONS 37-5-61 THROUGH 37-5-75, MISSISSIPPI
31 CODE OF 1972, WHICH PROVIDE FOR THE ELECTION OF COUNTY
32 SUPERINTENDENTS OF EDUCATION; TO AMEND SECTION 23-15-297,
33 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
34 PURPOSES.

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

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

38 **[Until January 1, 2004, this section will read as follows:]**

39 37-7-203. (1) The boards of trustees of all municipal
40 separate school districts created under * * * this chapter, either
41 with or without added territory, shall consist of five (5)
42 members, each to be chosen for a term of five (5) years. However,
43 in order to provide for an orderly transition in the membership of



44 municipal separate school district boards of trustees from
45 appointed members, or appointed and elected members, to elected
46 members only, the terms of office of the school board members
47 which expire in the years 2004, 2005, 2006, 2007 and 2008 shall be
48 extended from March until the first Monday of July in the same
49 year, at which time the respective member's duly elected successor
50 shall take office. Each member of the board of trustees shall be
51 chosen so that the term of office of one (1) member shall expire
52 each year. In the event the added territory of a municipal
53 separate school district furnishes fifteen percent (15%) or more
54 of the pupils enrolled in the schools of such district, then at
55 least one (1) member of the board of trustees of such school
56 district shall be a resident of the added territory outside the
57 corporate limits. In the event the added territory of a municipal
58 separate school district furnishes thirty percent (30%) or more of
59 the pupils enrolled in the schools of such district, then not more
60 than two (2) members of the board of trustees of such school
61 district shall be residents of the added territory outside the
62 corporate limits. In the event the added territory of a municipal
63 separate school district in a county in which Mississippi Highways
64 8 and 15 intersect furnishes thirty percent (30%) or more of the
65 pupils enrolled in the schools of such district, then the five (5)
66 members of the board of trustees of such school district shall be
67 elected at large from such school district for a term of five (5)
68 years each except that the two (2) elected trustees presently
69 serving on such board shall continue to serve for their respective
70 terms of office. The three (3) appointed trustees presently
71 serving on such board shall continue to serve until their
72 successors are elected in March of 1975 in the manner provided for
73 in Section 37-7-215. At such election, one (1) trustee shall be
74 elected for a term of two (2) years, one (1) for a term of three
75 (3) years and one (1) for a term of five (5) years. Subsequent
76 terms for each successor trustee shall be for five (5) years or



77 for a term expiring on the first Monday of July if the term
78 expires in the year 2004, 2005, 2006, 2007 or 2008. In the event
79 one (1) of two (2) municipal separate school districts located in
80 any county with two (2) judicial districts, District 1 being
81 comprised of Supervisors Districts 1, 2, 4 and 5, and District 2
82 being comprised of Supervisors District 3, with added territory
83 embraces three (3) full supervisors districts of a county, one (1)
84 trustee shall be elected from each of the three (3) supervisors
85 districts outside the corporate limits of the municipality. In
86 the further event that the territory of a municipal separate
87 school district located in any county with two (2) judicial
88 districts, District 1 being comprised of Supervisors Districts 1,
89 2, 4 and 5, and District 2 being comprised of Supervisors District
90 3, with added territory embraces four (4) full supervisors
91 districts in the county, and in any county in which a municipal
92 separate school district embraces the entire county in which
93 Highways 14 and 15 intersect, one (1) trustee shall be elected
94 from each supervisors district.

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



109 In the event that a portion of a county school district is
110 reconstituted, in the manner provided by law, into a municipal
111 separate school district with added territory and in the event
112 that the trustees to be elected from the added territory are
113 requested to be elected from separate election districts within
114 the added territory, instead of elected at large, by the Attorney
115 General of the United States as a result of and pursuant to
116 preclearance under Section 5 of the Voting Rights Act of 1965 as
117 amended and extended, and in the event the added territory of a
118 municipal separate school district of a municipality furnishes
119 thirty percent (30%) or more of the pupils enrolled in the schools
120 of such district, then two (2) members of the board of trustees
121 shall be residents of the added territory outside the corporate
122 limits of such municipality and shall be elected from special
123 trustee election districts by the qualified electors thereof as
124 herein provided. The board of trustees of the school district
125 shall apportion the added territory into two (2) special trustee
126 election districts as nearly equal as possible according to
127 population and other factors heretofore pronounced by the courts.
128 The board of trustees of the school district shall thereafter
129 publish the same in a newspaper of general circulation within the
130 school district for at least two (2) consecutive weeks; and after
131 having given notice of publication and recording the same upon the
132 minutes of the board of trustees of the school district, the new
133 district lines shall thereafter be effective. Any person elected
134 from the new trustee election districts constituted herein shall
135 be elected in the manner provided for in Section 37-7-215 for a
136 term of five (5) years or for a term expiring on the first Monday
137 of July if the term of office expires in the year 2004, 2005,
138 2006, 2007 or 2008. Any vacancy in the office of a trustee
139 elected from such trustee election district, whether occasioned by
140 redistricting or by other cause, shall be filled by appointment of
141 the governing authorities of the municipality, provided that the



142 person so appointed shall serve only until the first Saturday of
143 March following his appointment, at which time a person shall be
144 elected for the remainder of the unexpired term in the manner
145 provided in Section 37-7-215.

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

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



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

181 (2) In counties of less than fifteen thousand (15,000)
182 people having a municipal separate school district with added
183 territory which embraces all the territory of a county, one (1) or
184 more trustees of such district shall be nominated from each
185 supervisors district upon petition of fifty (50) qualified
186 electors of the district, or twenty percent (20%) of the qualified
187 electors of such district, whichever number shall be smaller, and
188 shall be elected by a plurality of the vote of the qualified
189 electors of the county. One (1) trustee so elected shall reside
190 in each supervisors district of the county. In such counties
191 embraced entirely by a municipal separate school district there
192 shall be no county board of education after the formation of such
193 district and the county superintendent of education shall act as
194 superintendent of schools of the district and shall be appointed
195 by the board of trustees of the district, and the provisions of
196 subsection (1) of this section and the first paragraph of Section
197 37-7-211 shall not apply to such districts.

198 **[From and after January 1, 2004, this section will read as**
199 **follows:]**

200 37-7-203. (1) The school boards * * * of all municipal
201 separate school districts * * * shall consist of five (5) members.
202 Beginning in 2004, the members of the school board shall be
203 elected from special school board member districts in the manner
204 provided under this section.

205 (2) As soon as practicable after the results of the 2000
206 federal decennial census are published, the municipal governing



207 authority shall apportion the municipal separate school district,
208 including any added territory, into five (5) single school board
209 member districts. The school board member districts must be as
210 nearly equal as possible according to population. The municipal
211 governing authority shall submit the school board member district
212 lines to the Attorney General of the United States for
213 preclearance or to the United States District Court for the
214 District of Columbia for a declaratory judgment in accordance with
215 the provisions of the Voting Rights Act of 1965, as amended and
216 extended. If the school board member district lines are
217 precleared by the United States Department of Justice or approved
218 by the United States District Court, the municipal governing
219 authority and the school board of the municipal separate school
220 district shall place upon their minutes the boundaries established
221 for the five (5) school board member districts, and the school
222 board shall publish the boundaries in a newspaper of general
223 circulation within the school district for at least three (3)
224 consecutive weeks. After having given notice of publication and
225 recording the publication upon the minutes of the school board,
226 the school board member district lines shall be effective. As
227 soon as practicable after the results of the 2010 federal
228 decennial census and every federal decennial census thereafter are
229 published, the municipal governing authority shall reapportion the
230 school board member districts in the manner prescribed in this
231 subsection for the creation of the original districts.

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

237 (a) On the first Tuesday after the first Monday in June
238 2004, an election shall be held for the purpose of electing a
239 member of the school board to succeed the member whose term of



240 office expires on the first Monday of July 2004. The initial term
241 of office of this elected member of the school board shall expire
242 on the first Monday of July 2006.

243 (b) On the first Tuesday after the first Monday in June
244 2005, an election shall be held for the purpose of electing a
245 member of the school board to succeed the member whose term of
246 office expires on the first Monday of July 2005. The initial term
247 of office of this elected member of the school board shall expire
248 on the first Monday of July 2006.

249 (c) At the general municipal election held on the first
250 Tuesday after the first Monday in June 2006, an election shall be
251 held for the purpose of electing a member of the school board to
252 succeed the member whose term of office expires on the first
253 Monday of July 2006 and for electing the successors to the members
254 elected under paragraphs (a) and (b) of this subsection. The term
255 of office of these elected members of the school board shall
256 expire on the first Monday of July 2010.

257 (d) On the first Tuesday after the first Monday in June
258 2007, an election shall be held for the purpose of electing a
259 member of the school board to succeed the member whose term of
260 office expires on the first Monday of July 2007. The initial term
261 of office of this elected member of the school board shall expire
262 on the first Monday of July 2010.

263 (e) On the first Tuesday after the first Monday in June
264 2008, an election shall be held for the purpose of electing a
265 member of the school board to succeed the member whose term of
266 office expires on the first Monday of July 2008. The initial term
267 of office of this elected member of the school board shall expire
268 on the first Monday of July 2010.

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



272 On the first Tuesday after the first Monday in June 2010, and
273 every four (4) years thereafter, the election of members of the
274 school boards of municipal separate school districts shall be held
275 in the same manner and at the same time as the general municipal
276 elections are held.

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

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



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

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

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

335 Candidates for the vacated office shall file with the
336 municipal clerk, not less than ten (10) days before the date of



337 the election, a petition of nomination signed by at least fifty
338 (50) or twenty percent (20%) of the qualified electors of the
339 school board member district, whichever is less. The election
340 shall be held, as far as practicable, in the same manner as school
341 board elections are conducted under this section. The candidate
342 who receives a majority of the votes cast by the qualified
343 electors in the school board member district shall be elected.
344 However, if no candidate receives a majority of the votes, a
345 runoff election shall be held two (2) weeks after the election.
346 The names of the candidate receiving the highest number of votes
347 and the candidate, or candidates in the event of a tie, receiving
348 the next highest vote for the office shall be placed on the ballot
349 in the runoff election. The person receiving the highest number
350 of votes cast by the qualified electors in the runoff election
351 shall be elected. The clerk of the municipal election commission
352 shall give a certificate of election to the person elected and
353 shall return to the Secretary of State a copy of the order of
354 holding the election and its results, certified by the municipal
355 clerk. The Governor shall commission the person elected to serve
356 the remainder of the unexpired term.

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



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

371 **[Until January 1, 2004, this section will read as follows:]**

372 37-7-703. In all such special municipal separate school
373 districts which embrace the entire county in which, according to
374 the latest available federal census, a majority of the inhabitants
375 of the county reside within the corporate limits of the
376 municipality, the board of trustees of such special municipal
377 separate school district shall be chosen and selected in the
378 manner provided by subsection (1) of Section 37-7-203, and all of
379 the provisions thereof shall be fully applicable in all respects
380 to the selection and constitution of such board of trustees.

381 **[From and after January 1, 2004, this section will read as**
382 **follows:]**

383 37-7-703. (1) In all * * * special municipal separate
384 school districts, beginning in 2004, the members of the school
385 board * * * of the special municipal separate school district
386 shall be elected in the manner provided in this section.

387 (2) Each member of the school board of the special municipal
388 separate school district shall be elected from a special school
389 board member district by the qualified electors of that district.
390 As soon as practicable after the results of the 2000 federal
391 decennial census are published, the municipal governing authority
392 shall apportion the special municipal separate school district,
393 including any added territory, into five (5) single school board
394 member districts. The school board member districts must be as
395 nearly equal as possible according to population. The municipal
396 governing authority shall submit the school board member district
397 lines to the Attorney General of the United States for
398 preclearance or to the United States District Court for the
399 District of Columbia for a declaratory judgment in accordance with
400 the provisions of the Voting Rights Act of 1965, as amended and
401 extended. If the school board member district lines are



402 precleared by the United States Department of Justice or approved
403 by the United States District Court, the municipal governing
404 authority and the school board of the special municipal separate
405 school district shall place upon their minutes the boundaries
406 established for the five (5) school board member districts, and
407 the school board shall publish the boundaries in a newspaper of
408 general circulation within the school district for at least three
409 (3) consecutive weeks. After having given notice of publication
410 and recording the publication upon the minutes of the school
411 board, the school board member district lines shall be effective.
412 As soon as practicable after the results of the 2010 federal
413 decennial census and every federal decennial census thereafter are
414 published, the municipal governing authority shall reapportion the
415 school board member districts in the manner prescribed in this
416 subsection for the creation of the original districts.

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

422 (a) On the first Tuesday after the first Monday in June
423 2004, an election shall be held for the purpose of electing a
424 member of the school board to succeed the member whose term of
425 office expires on the first Monday of July 2004. The initial term
426 of office of this elected member of the school board shall expire
427 on the first Monday of July 2006.

428 (b) On the first Tuesday after the first Monday in June
429 2005, an election shall be held for the purpose of electing a
430 member of the school board to succeed the member whose term of
431 office expires on the first Monday of July 2005. The initial term
432 of office of this elected member of the school board shall expire
433 on the first Monday of July 2006.



434 (c) At the general municipal election held on the first
435 Tuesday after the first Monday in June 2006, an election shall be
436 held for the purpose of electing a member of the school board to
437 succeed the member whose term of office expires on the first
438 Monday of July 2006 and for electing the successors to the members
439 elected under paragraphs (a) and (b) of this subsection. The term
440 of office of these elected members of the school board shall
441 expire on the first Monday of July 2010.

442 (d) On the first Tuesday after the first Monday in June
443 2007, an election shall be held for the purpose of electing a
444 member of the school board to succeed the member whose term of
445 office expires on the first Monday of July 2007. The initial term
446 of office of this elected member of the school board shall expire
447 on the first Monday of July 2010.

448 (e) On the first Tuesday after the first Monday in June
449 2008, an election shall be held for the purpose of electing a
450 member of the school board to succeed the member whose term of
451 office expires on the first Monday of July 2008. The initial term
452 of office of this elected member of the school board shall expire
453 on the first Monday of July 2010.

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

458 On the first Tuesday after the first Monday in June 2010, and
459 every four (4) years thereafter, the election of members of the
460 school boards of special municipal separate school districts shall
461 be held in the same manner and at the same time as the general
462 municipal elections are held.

463 (4) Candidates for the school board of the special municipal
464 separate school district shall file with the municipal election
465 commissioners, not more than ninety (90) days and not less than
466 sixty (60) days before the date of the general election, a



467 petition of nomination signed by at least fifty (50) or twenty
468 percent (20%) of the qualified electors of the school board member
469 district, whichever is less. The name of each qualified candidate
470 shall be placed on the ballot. The election shall be held in the
471 same manner as the general principal elections are held. The
472 candidate in each school board member district who receives a
473 majority of the votes cast by the qualified electors in that
474 district shall be elected. However, if no candidate receives a
475 majority of the votes, a runoff election shall be held two (2)
476 weeks after the election. The names of the candidate receiving
477 the highest number of votes and the candidate, or candidates in
478 the event of a tie, receiving the next highest vote for the office
479 shall be placed on the ballot in the runoff election. The person
480 receiving the highest number of votes cast by the qualified
481 electors in the runoff election shall be elected. All persons
482 elected to serve on the school board of the special municipal
483 separate school district shall take office on the first Monday of
484 July next following the date of their election.

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

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



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

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

521 Candidates for the vacated office shall file with the
522 municipal clerk, not less than ten (10) days before the date of
523 the election, a petition of nomination signed by at least fifty
524 (50) or twenty percent (20%) of the qualified electors of the
525 school board member district, whichever is less. The election
526 shall be held, as far as practicable, in the same manner as school
527 board elections are conducted under this section. The candidate
528 who receives a majority of the votes cast by the qualified
529 electors in the school board member district shall be elected.
530 However, if no candidate receives a majority of the votes, a
531 runoff election shall be held two (2) weeks after the election.



532 The names of the candidate receiving the highest number of votes
533 and the candidate, or candidates in the event of a tie, receiving
534 the next highest vote for the office shall be placed on the ballot
535 in the runoff election. The person receiving the highest number
536 of votes cast by the qualified electors in the runoff election
537 shall be elected. The clerk of the municipal election commission
538 shall give a certificate of election to the person elected and
539 shall return to the Secretary of State a copy of the order of
540 holding the election and its results, certified by the municipal
541 clerk. The Governor shall commission the person elected to serve
542 the remainder of the unexpired term.

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

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

557 **[Until January 1, 2004, this section will read as follows:]**

558 37-7-201. In order for a person to be eligible to hold the
559 office of trustee of any school district, such person must be a
560 bona fide resident and a qualified elector of such school
561 district, and, in the case of a school district lying in two (2)
562 or more counties, but not including municipal separate school
563 districts, such person must be a bona fide resident and a



564 qualified elector of the territory entitled to such representation
565 on the board.

566 **[From and after January 1, 2004, this section will read as**
567 **follows:]**

568 37-7-201. In order for a person to be eligible to be elected
569 to the office of school board member of any school district, the
570 person must be a bona fide resident and a qualified elector of the
571 school board member district entitled to * * * representation on
572 the school board.

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

575 37-7-221. The election of consolidated or consolidated line
576 school district trustees shall be held in the manner provided for
577 in Sections 37-7-223 through 37-7-229 * * *.

578 **SECTION 5.** Section 37-7-204, Mississippi Code of 1972, which
579 provides for the appointment of interim board members to fill
580 certain vacancies on the school boards of countywide municipal
581 separate school districts, shall be repealed on January 1, 2004.

582 **SECTION 6.** Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,
583 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide
584 certain methods for electing trustees from added territory of
585 municipal separate school districts, shall be repealed on January
586 1, 2004.

587 **SECTION 7.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,
588 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which
589 provide various methods for selecting trustees of special
590 municipal separate school districts, shall be repealed on January
591 1, 2004.

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

594 37-9-13. (1) From and after January 1, 2005, in all public
595 school districts, the school board, on or before January 15 of
596 each year, shall appoint the superintendent of schools of the



597 district, except in those cases where the superintendent has been
598 selected previously and has a contract which is valid for the
599 ensuing scholastic year.

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

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

607 37-9-25. The school board shall have the power and
608 authority, in its discretion, to employ the superintendent * * *
609 for not exceeding four (4) scholastic years and the principals or
610 licensed employees for not exceeding three (3) scholastic years.
611 In such case, contracts shall be entered into with such
612 superintendents, principals and licensed employees for the number
613 of years for which they have been employed. All such contracts
614 with licensed employees shall for the years after the first year
615 thereof be subject to the contingency that the licensed employee
616 may be released if, during the life of the contract, the average
617 daily attendance should decrease from that existing during the
618 previous year and thus necessitate a reduction in the number of
619 licensed employees during any year after the first year of the
620 contract. However, in all such cases the licensed employee must
621 be released before July 1 or at least thirty (30) days prior to
622 the beginning of the school term, whichever date should occur
623 earlier. The salary to be paid for the years after the first year
624 of such contract shall be subject to revision, either upward or
625 downward, in the event of an increase or decrease in the funds
626 available for the payment thereof, but, unless such salary is
627 revised prior to the beginning of a school year, it shall remain
628 for such school year at the amount fixed in such contract.
629 However, where school district funds, other than minimum education



630 program funds, are available during the school year in excess of
631 the amount anticipated at the beginning of the school year the
632 salary to be paid for such year may be increased to the extent
633 that such additional funds are available and nothing herein shall
634 be construed to prohibit same.

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

639 **SECTION 11.** Sections 37-5-61, 37-5-63, 37-5-65, 37-5-67,
640 37-5-69, 37-5-71 and 37-5-75, Mississippi Code of 1972, which
641 provide for the election of county superintendents of education,
642 are repealed from and after January 1, 2004.

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

645 23-15-297. All candidates upon entering the race for party
646 nominations for office shall first pay to the proper officer as
647 provided for in Section 23-15-299 for each primary election the
648 following amounts:

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

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

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

658 (d) Candidates for State Senator, State Representative,
659 sheriff, chancery clerk, circuit clerk, tax assessor, tax
660 collector, county attorney * * * and board of supervisors, not to
661 exceed Fifteen Dollars (\$15.00).



662 (e) Candidates for county surveyor, county coroner,
663 justice court judge and constable, not to exceed Ten Dollars
664 (\$10.00).

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

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

669 **SECTION 13.** The Attorney General of the State of Mississippi
670 shall submit this act, immediately upon approval by the Governor,
671 or upon approval by the Legislature subsequent to a veto, to the
672 Attorney General of the United States or to the United States
673 District Court for the District of Columbia in accordance with the
674 provisions of the Voting Rights Act of 1965, as amended and
675 extended.

676 **SECTION 14.** Sections 1 through 7 of this act shall take
677 effect and be in force from and after the date it is effectuated
678 under Section 5 of the Voting Rights Act of 1965, as amended and
679 extended. Sections 8 through 12 of this act shall take effect and
680 be in force from and after January 1, 2004, or the date it is
681 effectuated under Section 5 of the Voting Rights Act of 1965, as
682 amended and extended, whichever is later.

