AN ACT TO PROVIDE FOR AN ELECTED SCHOOL BOARD FOR THE
POPLARVILLE SCHOOL DISTRICT; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) The board of the Poplarville School District
shall consist of five (5) members. Beginning in 2007, the members
of the school board shall be elected from special school board
member districts in the manner provided under this section. The
selection of members of the school board holding office before
January 2008 shall be governed by the laws applicable to municipal
separate school districts.

(2) The governing authorities of the City of Poplarville
shall apportion the Poplarville 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, according to the most
recent federal decennial census. The municipal governing
authorities shall submit the school board member district lines to
the United States Department of Justice 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 in a school district are precleared by
the United States Department of Justice or approved by the United
States District Court, the municipal governing authorities and the
board of the Poplarville 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
authorities shall reapportion the school board member districts in
the manner prescribed in this subsection for the creation of the
original districts.

(3) In order for a person to be eligible to be elected to
serve on the school board, the person must be a bona fide resident
and qualified elector of the school board member district entitled
to such representation on the school board. Each member shall
serve for a term of four (4) years.

(4) On the first Tuesday after the first Monday in November
2007 and every four (4) years thereafter, the election of the
members of the school board shall be held in the same manner and
at the same time as the general elections are held.

(5) Candidates for the school board shall file with the
county election commissioners, not more than ninety (90) days nor
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 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 shall take office on the first Monday of January
next following the date of their election.

(6) Whenever there is a vacancy in the membership of the
school board, 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 municipal governing authorities. At the next
regular meeting of the municipal governing authorities, after
their receipt of certification of the vacancy from the school
board, the municipal governing authorities shall make and enter on
their 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 governing authorities shall cause to be published notice
of the election in a newspaper of general circulation within the
school district 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 governing authorities 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 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 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 municipal governing authorities 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 election shall be dispensed with, 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. The Attorney General of the State of Mississippi shall 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 3. 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.