

By: Representative Frierson

To: Education; Apportionment
and Elections

HOUSE BILL NO. 773

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

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

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

11 (2) The governing authorities of the City of Poplarville
12 shall apportion the Poplarville School District, including any
13 added territory, into five (5) single school board member
14 districts. The school board member districts must be as nearly
15 equal as possible according to population, according to the most
16 recent federal decennial census. The municipal governing
17 authorities shall submit the school board member district lines to
18 the United States Department of Justice for preclearance or to the
19 United States District Court for the District of Columbia for a
20 declaratory judgment in accordance with the provisions of the
21 Voting Rights Act of 1965, as amended and extended. If the school
22 board member district lines in a school district are precleared by
23 the United States Department of Justice or approved by the United
24 States District Court, the municipal governing authorities and the
25 board of the Poplarville School District shall place upon their
26 minutes the boundaries established for the five (5) school board
27 member districts, and the school board shall publish the

28 boundaries in a newspaper of general circulation within the school
29 district for at least three (3) consecutive weeks. After having
30 given notice of publication and recording the publication upon the
31 minutes of the school board, the school board member district
32 lines shall be effective. As soon as practicable after the
33 results of the 2010 federal decennial census and every federal
34 decennial census thereafter are published, the municipal governing
35 authorities shall reapportion the school board member districts in
36 the manner prescribed in this subsection for the creation of the
37 original districts.

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

43 (4) On the first Tuesday after the first Monday in November
44 2007 and every four (4) years thereafter, the election of the
45 members of the school board shall be held in the same manner and
46 at the same time as the state and county general elections are
47 held and conducted.

48 (5) Candidates for the school board shall file with the
49 county election commissioners, not more than ninety (90) days nor
50 less than sixty (60) days before the date of the election, a
51 petition of nomination signed by at least fifty (50) or twenty
52 percent (20%) of the qualified electors of the school board member
53 district, whichever is less. The name of each qualified candidate
54 shall be placed on the ballot. The candidate in each school board
55 member district who receives a majority of the votes cast by the
56 qualified electors in that district shall be elected. However, if
57 no candidate receives a majority of the votes, a runoff election
58 shall be held two (2) weeks after the election. The names of the
59 candidate receiving the highest number of votes and the candidate,
60 or candidates in the event of a tie, receiving the next highest

61 vote for the office shall be placed on the ballot in the runoff
62 election. The person receiving the highest number of votes cast
63 by the qualified electors in the runoff election shall be elected.
64 All persons elected to serve on the school board shall take office
65 on the first Monday of January next following the date of their
66 election.

67 (6) Whenever there is a vacancy in the membership of the
68 school board, the vacancy shall be filled, depending upon the
69 length of the unexpired term of the vacated office, in the manner
70 provided under this subsection.

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

80 (b) If the unexpired term of the vacated office is
81 greater than six (6) months, an election shall be held to fill the
82 vacancy. The school board shall certify in writing the fact of
83 the vacancy to the municipal governing authorities. At the next
84 regular meeting of the municipal governing authorities, after
85 their receipt of certification of the vacancy from the school
86 board, the municipal governing authorities shall make and enter on
87 their minutes an order for an election to be held in the school
88 board member district in which the vacancy exists and shall fix
89 the date upon which the election shall be held, which date shall
90 not be less than thirty (30) days nor more than forty-five (45)
91 days after the date upon which the order is adopted. The
92 municipal governing authorities shall cause to be published notice
93 of the election in a newspaper of general circulation within the

94 school district once each week for three (3) successive weeks
95 preceding the date of the election. The first notice must be
96 published at least thirty (30) days before the date of the
97 election. Notice also shall be given by the school board by
98 posting a copy of the notice at three (3) public places in the
99 school board member district in which the vacancy exists and at
100 the administrative offices of the school board not less than
101 twenty-one (21) days before the date of the election. Candidates
102 for the vacated office shall file with the municipal governing
103 authorities not less than ten (10) days before the date of the
104 election, a petition of nomination signed by at least fifty (50)
105 or twenty percent (20%) of the qualified electors of the school
106 board member district, whichever is less. The election shall be
107 held, as far as practicable, in the same manner as school board
108 elections are conducted under this section. The candidate who
109 receives a majority of the votes cast by the qualified electors in
110 the school board member district shall be elected. However, if no
111 candidate receives a majority of the votes, a runoff election
112 shall be held two (2) weeks after the election. The names of the
113 candidate receiving the highest number of votes and the candidate,
114 or candidates in the event of a tie, receiving the next highest
115 vote for the office shall be placed on the ballot in the runoff
116 election. The person receiving the highest number of votes cast
117 by the qualified electors in the runoff election shall be elected.
118 The clerk of the election commission shall give a certificate of
119 election to the person elected and shall return to the Secretary
120 of State a copy of the order of holding the election and its
121 results, certified by the clerk. The Governor shall commission
122 the person elected to serve the remainder of the unexpired term.
123 However, if nine (9) days before the date of the election only one
124 (1) person has qualified as a candidate, the municipal governing
125 authorities shall dispense with the election, and the remaining
126 members of the school board shall appoint that candidate to fill

127 the unexpired term. If no person has qualified at least nine (9)
128 days before the election, the election shall be dispensed with,
129 and the remaining members of the school board shall appoint a
130 person, selected from the qualified electors of the school board
131 member district in which the vacancy exists, to fill the unexpired
132 term. The chairman of the school board shall certify to the
133 Secretary of State the fact of the appointment, and the Governor
134 shall commission the person appointed.

135 **SECTION 2.** The Attorney General of the State of Mississippi
136 shall submit this act, immediately upon approval by the Governor,
137 or upon approval by the Legislature subsequent to a veto, to the
138 Attorney General of the United States or to the United States
139 District Court for the District of Columbia in accordance with the
140 provisions of the Voting Rights Act of 1965, as amended and
141 extended.

142 **SECTION 3.** This act shall take effect and be in force from
143 and after the date it is effectuated under Section 5 of the Voting
144 Rights Act of 1965, as amended and extended.