

By: Senator(s) Tollison

To: Elections

SENATE BILL NO. 3009

1 AN ACT TO AMEND SECTIONS 37-7-217 AND 37-7-219, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT ELECTORS MAY VOTE BY ABSENTEE BALLOT  
3 AT ELECTIONS HELD FOR MEMBERS OF THE BOARD OF TRUSTEES FOR CERTAIN  
4 MUNICIPAL SEPARATE AND SPECIAL MUNICIPAL SEPARATE SCHOOL  
5 DISTRICTS; TO AMEND SECTION 23-15-637, MISSISSIPPI CODE OF 1972,  
6 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-7-217, Mississippi Code of 1972, is  
9 amended as follows:

10 37-7-217. The qualified electors of each school district  
11 operating under Section 37-7-215(1) shall meet at 2 p.m. on the  
12 date and at the place specified therein, and the qualified  
13 electors of each school district operating under Section  
14 37-7-215(2) shall meet on the date specified therein and at the  
15 time and place or places specified by the board of trustees of the  
16 school district. At the meeting the electors shall immediately  
17 organize by electing a chairman and a secretary of the meeting and  
18 shall thereupon proceed to elect the necessary number of trustees  
19 by secret written ballot from the list of candidates properly  
20 qualified; however, electors who are absent on the day of the  
21 election for any reason specified in Section 23-15-713, may vote  
22 by absentee ballot as provided by law. If there is an election  
23 for a full term and for an unexpired term or terms, the election  
24 shall be separately held and conducted. The person elected shall  
25 immediately assume the duties of his office for the full term if  
26 the election is for the full term, or for the remainder of the  
27 unexpired term if the election is for an unexpired term. The  
28 superintendent of the municipal separate or special municipal  
29 separate school district shall give all absentee ballots that he

30 has received from the county registrar prior to the election as  
31 provided by law, to the chairman of the meeting. The chairman and  
32 secretary of the meeting shall count the secret written ballots  
33 and all absentee ballots cast. Absentee ballots shall be examined  
34 and counted in the manner provided for in Section 23-15-639 and  
35 the chairman and the secretary shall have the responsibilities  
36 given to election managers. Upon counting and tabulating the  
37 ballots, the chairman and the secretary at the meeting shall  
38 forthwith certify the results of the election to the  
39 superintendent of the municipal separate or special municipal  
40 separate school district, as the case may be. The certificate  
41 shall be delivered to the superintendent within five (5) days  
42 following the election. If a person shall not receive a majority  
43 of the votes cast upon the first ballot, a runoff shall be held  
44 between the two (2) persons receiving the highest number of votes  
45 upon such first ballot. The runoff shall be held two (2) weeks  
46 thereafter. No trustees' election shall be discontinued or  
47 adjourned but \* \* \* shall be completed upon the day specified  
48 therefor.

49 **SECTION 2.** Section 37-7-219, Mississippi Code of 1972, is  
50 amended as follows:

51 37-7-219. For the purpose of holding such an election, it  
52 shall be the duty of the trustees of the school district whose  
53 terms do not expire in that year to prepare from the records in  
54 the office of the county registrar a list of the qualified  
55 electors of the school district who are eligible to participate in  
56 the election. The list shall be furnished to the chairman and  
57 secretary of the meeting. A person who is not present at the time  
58 and place of holding said election shall be eligible to vote in  
59 the election by absentee ballot in the manner provided by law.

60 **SECTION 3.** Section 23-15-637, Mississippi Code of 1972, is  
61 amended as follows:

62           23-15-637. Absentee ballots received by mail, excluding  
63 presidential ballots as provided for in Sections 23-15-731 and  
64 23-15-733, must be received by the registrar by 5:00 p.m. on the  
65 date preceding the election; any received after such time shall be  
66 handled as provided in Section 23-15-647 and shall not be counted.  
67 All ballots cast by the absent elector appearing in person in the  
68 office of the registrar shall be cast not later than 12:00 noon on  
69 the Saturday immediately preceding elections held on Tuesday, the  
70 Thursday immediately preceding elections held on Saturday, or the  
71 second day immediately preceding the date of elections held on  
72 other days. The registrar shall deposit all absentee ballots  
73 which have been timely cast in the ballot boxes upon receipt;  
74 however, if the election is being conducted pursuant to Section  
75 37-7-317, the registrar shall give the absentee ballots to the  
76 superintendent of the municipal separate or municipal separate  
77 school district in which the election is being conducted on the  
78 day of the election prior to the time the election is set to  
79 begin.

80           **SECTION 4.** The Attorney General of the State of Mississippi  
81 shall submit this act, immediately upon approval by the Governor,  
82 or upon approval by the Legislature subsequent to a veto, to the  
83 Attorney General of the United States or to the United States  
84 District Court for the District of Columbia in accordance with the  
85 provisions of the Voting Rights Act of 1965, as amended and  
86 extended.

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