

By: Senator(s) Tollison

To: Elections

COMMITTEE SUBSTITUTE
FOR
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 the election shall be eligible to vote in the
59 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 37-7-217, the registrar shall give the absentee ballots to the
76 superintendent of the school district in which the election is
77 being conducted on the day of the election prior to the time the
78 election is set to begin.

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

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