

**Not Germane  
AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 605**

**BY: Representative Frierson**

1           **AMEND** by striking Section 2 and inserting in lieu thereof the  
2 following:

3           "**SECTION 2.** (1) In all municipal separate school districts,  
4 there shall be an election held on the question of whether school  
5 board members shall be elected or appointed. The date of the  
6 election shall be the first Tuesday after the first Monday in  
7 November 2006. The governing authorities of the municipality  
8 shall publish notice of the election once each week for at least  
9 three (3) consecutive weeks before the date of the election in a  
10 newspaper published or having a general circulation in the  
11 municipality, with the first publication of the notice to be made  
12 not less than twenty-one (21) days before the date of the election  
13 and the last publication to be made not more than seven (7) days  
14 before the date of the election. At the election, all qualified  
15 electors residing in the municipal separate school district may  
16 vote, and the ballots used in the election shall have printed  
17 thereon a brief state of the purpose of the election and the words  
18 "FOR THE ELECTION OF SCHOOL BOARD MEMBERS" and, on a separate  
19 line, "FOR THE APPOINTMENT OF SCHOOL BOARD MEMBERS" and the voters  
20 shall vote by placing a cross (X) or check (✓) opposite their

21 choice on the proposition. When the results of the election have  
22 been canvassed and certified, if a majority of the qualified  
23 electors who voted in the election voted in favor of electing  
24 school board members, then the municipality shall hold elections  
25 beginning in 2007 to elect the school board members as provided in  
26 Section 3 of this act. If a majority of the qualified electors  
27 who voted in the election voted in favor of appointing school  
28 board members in the same manner as currently provided in Section  
29 1 of this act.

30 **SECTION 3.** (1) In any municipal separate school district  
31 that has elected school board members, the school board shall  
32 consist of five (5) members who shall be elected from school board  
33 member districts in the manner provided in this section.

34 (2) The governing authorities of the municipality shall  
35 apportion the municipal separate school district, including any  
36 added territory, into five (5) single school board member  
37 districts. Each district shall be designated by a number one (1)  
38 through five (5). The school board member districts must be as  
39 nearly equal as possible according to population. The municipal  
40 governing authorities shall submit the school board member  
41 district boundaries to the United States Department of Justice for  
42 preclearance or to the United States District Court for the  
43 District of Columbia for a declaratory judgment in accordance with  
44 the provisions of Section 5 of the Voting Rights Act of 1965, as  
45 amended and extended. If the school board member district  
46 boundaries in a school district are precleared by the United  
47 States Department of Justice or approved by the United States  
48 District Court, the municipal governing authorities and the school  
49 board of the school district shall place upon their minutes the

50 boundaries established for the five (5) school board member  
51 districts, and the school board shall publish the boundaries in a  
52 newspaper published or having a general circulation in the school  
53 district once each week for at least three (3) consecutive weeks.  
54 After having given notice of publication and recording the  
55 publication upon the minutes of the school board, the school board  
56 member district boundaries shall be effective. As soon as  
57 practicable after the results of the 2010 federal decennial census  
58 and every federal decennial census thereafter are published, the  
59 municipal governing authorities shall reapportion the school board  
60 member districts in the manner prescribed in this subsection for  
61 the creation of the original districts.

62 (3) In order to provide for an orderly transition in the  
63 membership of each school board from those members elected or  
64 appointed to the school board under the laws in effect before the  
65 effective date of this act to members elected under the provisions  
66 of this act, the following election schedule is established:

67 (a) On the first Tuesday after the first Monday in  
68 November 2007, an election shall be held in District 1 for the  
69 purpose of electing a member of the school board to succeed the  
70 member whose term of office is scheduled to expire in 2007. The  
71 term of office of this member that is scheduled to expire in 2007  
72 shall be extended until the first Monday of January 2008, at which  
73 time the member's duly elected successor shall take office. The  
74 initial term of office of this member of the school board shall  
75 expire on the first Monday of January 2012.

76 (b) On the first Tuesday after the first Monday in  
77 November 2007, an election shall be held in District 2 for the  
78 purpose of electing a member of the school board to succeed the

79 member whose term of office expires in 2008. The initial term of  
80 office of this elected member of the school board shall expire on  
81 the first Monday of January 2012.

82 (c) On the first Tuesday after the first Monday in  
83 November 2008, an election shall be held in District 3 for the  
84 purpose of electing a member of the school board to succeed the  
85 member whose term of office is scheduled to expire in 2009. The  
86 initial term of office of this elected member of the school board  
87 shall expire on the first Monday of January 2012.

88 (d) On the first Tuesday after the first Monday in  
89 November 2009, an election shall be held in District 4 for the  
90 purpose of electing a member of the school board to succeed the  
91 member whose term of office is scheduled to expire in 2010. The  
92 initial term of office of this elected member of the school board  
93 shall expire on the first Monday of January 2012.

94 (e) On the first Tuesday after the first Monday in  
95 November 2010, an election shall be held in District 5 for the  
96 purpose of electing a member of the school board to succeed the  
97 member whose term of office is scheduled to expire in 2011. The  
98 initial term of office of this elected member of the school board  
99 shall expire on the first Monday of January 2012.

100 Upon the expiration of the initial terms of office, all  
101 persons elected to serve on the school board shall serve for a  
102 term of four (4) years.

103 On the first Tuesday after the first Monday in November 2011,  
104 and every four (4) years thereafter, the election of members of  
105 the school board shall be held at the same time as the state and  
106 county general elections are held and conducted.

107           (4) In order for a person to be eligible to be elected to  
108 serve on the school board, the person must be a bona fide resident  
109 and qualified elector of the school board member district entitled  
110 to that representation on the school board.

111           (5) Candidates for the school board shall file with the  
112 municipal or county election commissioners, as appropriate, not  
113 more than ninety (90) days nor less than sixty (60) days before  
114 the date of the election, a petition of nomination signed by at  
115 least fifty (50) or twenty percent (20%) of the qualified electors  
116 of the school board member district, whichever is less. The name  
117 of each qualified candidate shall be placed on the ballot. The  
118 candidate in each school board member district who receives a  
119 majority of the votes cast by the qualified electors in that  
120 district shall be elected. However, if no candidate receives a  
121 majority of the votes, a runoff election shall be held two (2)  
122 weeks after the election. The names of the candidate receiving  
123 the highest number of votes and the candidate, or candidates in  
124 the event of a tie, receiving the next highest vote for the office  
125 shall be placed on the ballot in the runoff election. The person  
126 receiving the highest number of votes cast by the qualified  
127 electors in the runoff election shall be elected. All persons  
128 elected to serve on the school board shall take office on the  
129 first Monday of January next following the date of their election.

130           (6) Whenever there is a vacancy in the membership of the  
131 school board, the vacancy shall be filled, depending upon the  
132 length of the unexpired term of the vacated office, in the manner  
133 provided under this subsection.

134           (a) If the unexpired term of the vacated office is six  
135 (6) months or less, the remaining members of the school board

136 shall appoint, within sixty (60) days after the vacancy occurs, a  
137 person to serve the unexpired portion of the term. The appointee  
138 shall be selected from the qualified electors of the school board  
139 member district in which the vacancy occurs. The chairman of the  
140 school board shall certify to the Secretary of State the fact of  
141 the appointment, and the Governor shall commission the person  
142 appointed.

143           (b) If the unexpired term of the vacated office is  
144 greater than six (6) months, an election shall be held to fill the  
145 vacancy. The school board shall certify in writing the fact of  
146 the vacancy to the municipal governing authorities. At the next  
147 regular meeting of the municipal governing authorities after its  
148 receipt of certification of the vacancy from the school board, the  
149 municipal governing authorities shall make and enter on its  
150 minutes an order for an election to be held in the school board  
151 member district in which the vacancy exists and shall fix the date  
152 upon which the election shall be held, which date shall not be  
153 less than thirty (30) days nor more than forty-five (45) days  
154 after the date upon which the order is adopted.

155           The municipal governing authorities shall publish notice of  
156 the election in a newspaper published or having a general  
157 circulation in the school district once each week for three (3)  
158 successive weeks preceding the date of the election. The first  
159 notice must be published at least thirty (30) days before the date  
160 of the election. Notice also shall be given by the school board  
161 by posting a copy of the notice at three (3) public places in the  
162 school board member district in which the vacancy exists and at  
163 the administrative offices of the school board not less than  
164 twenty-one (21) days before the date of the election. Candidates

165 for the vacated office shall file with the municipal governing  
166 authorities not less than ten (10) days before the date of the  
167 election, a petition of nomination signed by at least fifty (50)  
168 or twenty percent (20%) of the qualified electors of the school  
169 board member district, whichever is less. The election shall be  
170 held, as far as practicable, in the same manner as school board  
171 elections are conducted under this section. The candidate who  
172 receives a majority of the votes cast by the qualified electors in  
173 the school board member district shall be elected. However, if no  
174 candidate receives a majority of the votes, a runoff election  
175 shall be held two (2) weeks after the election. The names of the  
176 candidate receiving the highest number of votes and the candidate,  
177 or candidates in the event of a tie, receiving the next highest  
178 vote for the office shall be placed on the ballot in the runoff  
179 election. The person receiving the highest number of votes cast  
180 by the qualified electors in the runoff election shall be elected.  
181 The clerk of the election commission shall give a certificate of  
182 election to the person elected and shall return to the Secretary  
183 of State a copy of the order of holding the election and its  
184 results, certified by the clerk. The Governor shall commission  
185 the person elected to serve the remainder of the unexpired term.

186       However, if nine (9) days before the date of the election  
187 only one (1) person has qualified as a candidate, the municipal  
188 governing authorities shall dispense with the election, and the  
189 remaining members of the school board shall appoint that candidate  
190 to fill the unexpired term. If no person has qualified at least  
191 nine (9) days before the election, the election shall be dispensed  
192 with, and the remaining members of the school board shall appoint  
193 a person, selected from the qualified electors of the school board

194 member district in which the vacancy exists, to fill the unexpired  
195 term. The chairman of the school board shall certify to the  
196 Secretary of State the fact of the appointment, and the Governor  
197 shall commission the person appointed.

198         **SECTION 4.** The Attorney General of the State of Mississippi  
199 shall submit this act, immediately upon approval by the Governor,  
200 or upon approval by the Legislature subsequent to a veto, to the  
201 Attorney General of the United States or to the United States  
202 District Court for the District of Columbia in accordance with the  
203 provisions of the Voting Rights Act of 1965, as amended and  
204 extended.

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

208         **AMEND FURTHER** the title to conform.