

By: Representative Frierson

To: Education; Apportionment
and Elections

HOUSE BILL NO. 1383

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

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

4 **SECTION 1.** (1) The school board of the Poplarville
5 Municipal School District shall consist of five (5) members.
6 Beginning in 2007, the members of the school board shall be
7 elected from special school board member districts in the manner
8 provided under this section. The selection of members of the
9 school board holding office before January 2008 shall be governed
10 by the laws applicable to municipal separate school districts
11 (Article 5, Chapter 7, Title 37, Mississippi Code of 1972).

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

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

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

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

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

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

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

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

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

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

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

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

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