

By: Representative Frierson

To: Education; Apportionment
and Elections

COMMITTEE SUBSTITUTE
FOR
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, who
6 shall be elected from special school board member districts in the
7 manner provided under this section. Each member of the school
8 board holding office on the effective date of this act shall
9 continue to hold office until the first Monday in January next
10 following the expiration of the term for which the member was
11 appointed. On the first Tuesday after the first Monday in
12 November before the expiration of a member's extended term, an
13 election for a school board member shall be held in the school
14 board member district in which the current member resides;
15 however, if the current member resides in a district for which a
16 member has already been elected under this section, then the
17 election shall be held in a school board member district for which
18 a member has not already been elected, as designated by the
19 governing authorities of the City of Poplarville. The elections
20 for school board members under this section shall be held in the
21 same manner as municipal general elections are held and conducted.

22 (2) The governing authorities of the City of Poplarville
23 shall apportion the Poplarville Municipal School District,
24 including any added territory, into five (5) single school board
25 member districts. The school board member districts must be as
26 nearly equal as possible according to population, according to the
27 most recent federal decennial census. The municipal governing

28 authorities shall submit the school board member district lines to
29 the United States Department of Justice for preclearance or to the
30 United States District Court for the District of Columbia for a
31 declaratory judgment in accordance with the provisions of the
32 Voting Rights Act of 1965, as amended and extended. If the school
33 board member district lines in a school district are precleared by
34 the United States Department of Justice or approved by the United
35 States District Court, the municipal governing authorities and the
36 school board of the Poplarville Municipal School District shall
37 place upon their minutes the boundaries established for the five
38 (5) school board member districts, and the school board shall
39 publish the boundaries in a newspaper of general circulation
40 within the school district for at least three (3) consecutive
41 weeks. After having given notice of publication and recording the
42 publication upon the minutes of the school board, the school board
43 member district lines shall be effective. As soon as practicable
44 after the results of the 2010 federal decennial census and every
45 federal decennial census thereafter are published, the municipal
46 governing authorities shall reapportion the school board member
47 districts in the manner prescribed in this subsection for the
48 creation of the original districts.

49 (3) In order for a person to be eligible to be elected to
50 serve on the school board, the person must be a bona fide resident
51 and qualified elector of the school board member district entitled
52 to such representation on the school board. Each member shall
53 serve for a term of four (4) years.

54 (4) Candidates for the school board shall file with the
55 municipal election commissioners, not more than ninety (90) days
56 nor less than sixty (60) days before the date of the election, a
57 petition of nomination signed by at least fifty (50) or twenty
58 percent (20%) of the qualified electors of the school board member
59 district, whichever is less. The name of each qualified candidate
60 shall be placed on the ballot. The candidate in each school board

61 member district who receives a majority of the votes cast by the
62 qualified electors in that district shall be elected. However, if
63 no candidate receives a majority of the votes, a runoff election
64 shall be held two (2) weeks after the election. The names of the
65 candidate receiving the highest number of votes and the candidate,
66 or candidates in the event of a tie, receiving the next highest
67 vote for the office shall be placed on the ballot in the runoff
68 election. The person receiving the highest number of votes cast
69 by the qualified electors in the runoff election shall be elected.
70 All persons elected to serve on the school board shall take office
71 on the first Monday of January next following the date of their
72 election.

73 (5) Whenever there is a vacancy in the membership of the
74 school board, the vacancy shall be filled, depending upon the
75 length of the unexpired term of the vacated office, in the manner
76 provided under this subsection.

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

86 (b) If the unexpired term of the vacated office is
87 greater than six (6) months, an election shall be held to fill the
88 vacancy. The school board shall certify in writing the fact of
89 the vacancy to the municipal governing authorities. At the next
90 regular meeting of the municipal governing authorities, after
91 their receipt of certification of the vacancy from the school
92 board, the municipal governing authorities shall make and enter on
93 their minutes an order for an election to be held in the school

94 board member district in which the vacancy exists and shall fix
95 the date upon which the election shall be held, which date shall
96 not be less than thirty (30) days nor more than forty-five (45)
97 days after the date upon which the order is adopted. The
98 municipal governing authorities shall cause to be published notice
99 of the election in a newspaper of general circulation within the
100 school district once each week for three (3) successive weeks
101 preceding the date of the election. The first notice must be
102 published at least thirty (30) days before the date of the
103 election. Notice also shall be given by the school board by
104 posting a copy of the notice at three (3) public places in the
105 school board member district in which the vacancy exists and at
106 the administrative offices of the school board not less than
107 twenty-one (21) days before the date of the election. Candidates
108 for the vacated office shall file with the municipal governing
109 authorities not less than ten (10) days before the date of the
110 election, a petition of nomination signed by at least fifty (50)
111 or twenty percent (20%) of the qualified electors of the school
112 board member district, whichever is less. The election shall be
113 held, as far as practicable, in the same manner as school board
114 elections are conducted under this section. The candidate who
115 receives a majority of the votes cast by the qualified electors in
116 the school board member district shall be elected. However, if no
117 candidate receives a majority of the votes, a runoff election
118 shall be held two (2) weeks after the election. The names of the
119 candidate receiving the highest number of votes and the candidate,
120 or candidates in the event of a tie, receiving the next highest
121 vote for the office shall be placed on the ballot in the runoff
122 election. The person receiving the highest number of votes cast
123 by the qualified electors in the runoff election shall be elected.
124 The clerk of the election commission shall give a certificate of
125 election to the person elected and shall return to the Secretary
126 of State a copy of the order of holding the election and its

127 results, certified by the clerk. The Governor shall commission
128 the person elected to serve the remainder of the unexpired term.
129 However, if nine (9) days before the date of the election only one
130 (1) person has qualified as a candidate, the municipal governing
131 authorities shall dispense with the election, and the remaining
132 members of the school board shall appoint that candidate to fill
133 the unexpired term. If no person has qualified at least nine (9)
134 days before the election, the election shall be dispensed with,
135 and the remaining members of the school board shall appoint a
136 person, selected from the qualified electors of the school board
137 member district in which the vacancy exists, to fill the unexpired
138 term. The chairman of the school board shall certify to the
139 Secretary of State the fact of the appointment, and the Governor
140 shall commission the person appointed.

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

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