

By: Representative Hines

To: Education; Apportionment
and Elections

HOUSE BILL NO. 848

1 AN ACT TO AMEND SECTION 37-5-7, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE FOR THE ELECTION OF MEMBERS OF THE COUNTY BOARDS OF
 3 EDUCATION AT THE SAME TIME AS THE GENERAL STATE AND COUNTY
 4 ELECTIONS IN 2011 AND TO ESTABLISH A TERM OF FOUR YEARS FOR THAT
 5 OFFICE; TO AMEND SECTION 37-7-207, MISSISSIPPI CODE OF 1972, TO
 6 PROVIDE FOR THE ELECTION OF MEMBERS OF THE BOARDS OF TRUSTEES OF
 7 CONSOLIDATED SCHOOL DISTRICTS AND LINE CONSOLIDATED SCHOOL
 8 DISTRICTS IN THE SAME MANNER AND AT THE SAME TIME AS THE GENERAL
 9 STATE AND COUNTY ELECTIONS AND TO ESTABLISH A TERM OF FOUR YEARS
 10 FOR THOSE OFFICES; TO AMEND SECTION 37-7-713, MISSISSIPPI CODE OF
 11 1972, TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE BOARDS OF
 12 TRUSTEES OF CERTAIN SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS IN
 13 THE SAME MANNER AND AT THE SAME TIME AS THE GENERAL STATE AND
 14 COUNTY ELECTIONS AND TO ESTABLISH A TERM OF FOUR YEARS FOR THAT
 15 OFFICE; TO REPEAL SECTIONS 37-7-221, 37-7-223, 37-7-227 AND
 16 37-7-229, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN METHODS
 17 FOR ELECTING TRUSTEES OF CONSOLIDATED AND LINE CONSOLIDATED SCHOOL
 18 DISTRICTS; TO REPEAL SECTIONS 37-7-705, 37-7-707, 37-7-709,
 19 37-7-711, 37-7-715 AND 37-7-717, MISSISSIPPI CODE OF 1972, WHICH
 20 PROVIDE CERTAIN METHODS FOR SELECTING TRUSTEES OF SPECIAL
 21 MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO AMEND SECTION 37-9-13,
 22 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE APPOINTMENT OF ALL
 23 SCHOOL DISTRICT SUPERINTENDENTS BEGINNING ON JULY 1, 2009, AND TO
 24 PROVIDE THAT ELECTED SUPERINTENDENTS HOLDING OFFICE ON THAT DATE
 25 MAY SERVE UNTIL THE EXPIRATION OF THE TERM FOR WHICH THEY WERE
 26 ELECTED; TO AMEND SECTION 37-9-25, MISSISSIPPI CODE OF 1972, IN
 27 CONFORMITY THERETO; TO AMEND SECTION 37-5-61, MISSISSIPPI CODE OF
 28 1972, TO PROVIDE THAT ELECTED COUNTY SUPERINTENDENTS OF EDUCATION
 29 HOLDING OFFICE ON JULY 1, 2009, MAY SERVE THE ENTIRE TERM FOR
 30 WHICH THEY WERE ELECTED, TO PROVIDE FOR THE APPOINTMENT OF
 31 SUCCESSORS TO ELECTED COUNTY SUPERINTENDENTS UPON THE EXPIRATION
 32 OF THEIR TERM, TO DELETE THE PROVISION OF LAW THAT PROVIDES FOR
 33 THE ELECTION OF COUNTY SUPERINTENDENTS OF EDUCATION IN THE SAME
 34 MANNER AND TIME AS OTHER COUNTY OFFICERS, AND TO PROVIDE FOR THE
 35 REPEAL OF THE SECTION EFFECTIVE JANUARY 1, 2012; TO REPEAL SECTION
 36 37-9-12, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM
 37 ON THE QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE
 38 COUNTY SUPERINTENDENT OF EDUCATION; TO REPEAL SECTIONS 37-5-63
 39 THROUGH 37-5-75, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
 40 APPOINTMENT OF CERTAIN COUNTY SUPERINTENDENTS OF EDUCATION, ON
 41 JULY 1, 2009; TO AMEND SECTION 23-15-297, MISSISSIPPI CODE OF
 42 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
 43 PURPOSES.

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

45 **SECTION 1.** Section 37-5-7, Mississippi Code of 1972, is
 46 amended as follows:

47 37-5-7. (1) On the first Tuesday after the first Monday in
48 November 2008, an election shall be held in each county in this
49 state in the same manner and at the same time as the presidential
50 election is held and conducted, * * * for the purpose of electing
51 the county boards of education established under the provisions of
52 this chapter. * * * All members of the county board of
53 education * * * shall take office on the first Monday of January
54 2009 and shall serve for a term of three (3) years. However, in
55 order to provide for an orderly transition, the term of each
56 member of the board serving on the date that House Bill No. _____,
57 2007 Regular Session, becomes effective that otherwise would
58 expire after the first Monday in January 2009, shall expire on the
59 first Monday of January 2009.

60 (2) On the first Tuesday after the first Monday in November
61 2011 and every four (4) years thereafter, an election shall be
62 held in the same manner and at the same time as the general state
63 and county elections are held and conducted, for the purpose of
64 electing the county boards of education * * *. * * * All members
65 of the county board of education shall take office on the first
66 Monday of January following the date of their election and shall
67 serve for a term of four (4) years.

68 **SECTION 2.** Section 37-7-207, Mississippi Code of 1972, is
69 amended as follows:

70 **[Until July 1, 2011, this section shall read as follows:]**

71 37-7-207. (1) All school districts reconstituted or created
72 under the provisions of Article 3 of this chapter, and which lie
73 wholly within one (1) county, but not including municipal separate
74 and countywide districts, shall be governed by a board of five (5)
75 trustees. The first board of trustees of such districts shall be
76 appointed by the county board of education, and the original
77 appointments shall be so made that one (1) trustee shall be
78 appointed to serve until the first Saturday of March following
79 such appointments, one (1) for one (1) year longer, one (1) for

80 two (2) years longer, one (1) for three (3) years longer, and one
81 (1) for four (4) years longer. After such original appointments,
82 the trustees of such school districts shall be elected by the
83 qualified electors of such school districts in the manner provided
84 for in this section and Section 37-7-225, with each trustee to be
85 elected for a term of four (4) years. The five (5) members of the
86 board of trustees of such consolidated school district shall be
87 elected from special trustee election districts by the qualified
88 electors thereof, as herein provided. The board of trustees of
89 any such consolidated school district shall apportion the
90 consolidated school district into five (5) special trustee
91 election districts. The board of trustees of such school district
92 shall place upon its minutes the boundaries determined for the new
93 five (5) trustee election districts. The board of trustees shall
94 thereafter publish the same in a newspaper of general circulation
95 within said school district for at least three (3) consecutive
96 weeks; and after having given notice of publication and recording
97 the same upon the minutes of the board of trustees, said new
98 district lines shall thereafter be effective.

99 On the first Tuesday after the first Monday in November 2008,
100 in each consolidated school district * * * an election shall be
101 held in the same manner and at the same time as the presidential
102 election is held and conducted, for the purpose of electing the
103 board of trustees of such district. At the election, the members
104 of the * * * board * * * shall be elected for a term of three (3)
105 years. However, in order to provide for an orderly transition,
106 the term of each member of the board serving on the date that
107 House Bill No. _____, 2007 Regular Session, becomes effective that
108 otherwise would expire after the first Monday in January 2009,
109 shall expire on the first Monday of January 2009. All members of
110 the * * * board of trustees shall take office on the first Monday
111 of January following the date of their election. All vacancies
112 which may occur during a term shall be filled by appointment of

113 the consolidated school district trustees, but the person so
114 appointed shall serve only until the next general election
115 following such appointment, at which time a person shall be
116 elected for the remainder of the unexpired term at the same time
117 and in the same manner as a trustee is elected for the full term
118 then expiring. The person so elected to the unexpired term shall
119 take office immediately. Said appointee shall be selected from
120 the qualified electors of the district in which the vacancy
121 occurs.

122 (2) All school districts reconstituted and created under the
123 provisions of Article 1 of this chapter, which embrace territory
124 in two (2) or more counties, but not including municipal separate
125 school districts, shall be governed by a board of five (5)
126 trustees. In making the original appointments, the several county
127 boards of education shall appoint the trustee or trustees to which
128 the territory in such county is entitled, and, by agreement
129 between the county boards concerned, one (1) person shall be
130 appointed to serve until the first Saturday of March following,
131 one (1) for one (1) year longer, one (1) for two (2) years longer,
132 one (1) for three (3) years longer and one (1) for four (4) years
133 longer. Thereafter, such trustees shall be elected in the manner
134 provided for in this section and Section 37-7-225, for a term of
135 four (4) years. The five (5) members of the board of trustees of
136 such line consolidated school district shall be elected from
137 special trustee election districts by the qualified electors
138 thereof, as herein provided. The existing board of trustees of
139 such line consolidated school district shall apportion the line
140 consolidated school district into five (5) special trustee
141 election districts. The board of trustees shall place upon its
142 minutes the boundaries determined for the new five (5) trustee
143 election districts. The board of trustees shall thereafter
144 publish the same in a newspaper of general circulation within said
145 school district for at least three (3) consecutive weeks; and

146 after having given notice of publication and recording the same
147 upon the minutes of the board of trustees, the new district lines
148 shall thereafter be effective. However, in any line consolidated
149 school district encompassing two (2) or more counties created
150 pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section
151 8, in which, as a condition precedent to the creation of the
152 district, each county that is a part of the district was
153 contractually guaranteed to always have at least one (1)
154 representative on the board, in order that the condition precedent
155 may be honored and guaranteed, in any year in which the board of
156 trustees of that line consolidated school district does not have
157 at least one (1) member from each county or part thereof forming
158 such district, the board of trustees in such district shall be
159 governed by a board of a sufficient number of trustees to fulfill
160 this guarantee, five (5) of whom shall be elected from the five
161 (5) special trustee election districts which shall be as nearly
162 equal as possible and one (1) member trustee appointed at large
163 from each county not having representation on the elected board.
164 In such cases, the board of supervisors of each county shall adopt
165 a written agreement to guarantee the manner of appointment of at
166 least one (1) representative from each county in the district,
167 placing such written agreement on the minutes of each board of
168 supervisors in each county.

169 On the first Tuesday after the first Monday in November 2008,
170 in each line consolidated school district * * * an election shall
171 be held in the same manner and at the same time as the
172 presidential election is held and conducted, for the purpose of
173 electing the board of trustees of such district. At the election,
174 the members of the * * * board * * * shall be elected for a term
175 of three (3) years. However, in order to provide for an orderly
176 transition, the term of each member of the board serving on the
177 date that House Bill No.____, 2007 Regular Session, becomes
178 effective that otherwise would expire after the first Monday in

179 January 2009, shall expire on the first Monday of January 2009.

180 All members of the * * * board of trustees shall take office on
181 the first Monday of January following the date of their election.
182 In all elections, the trustee elected shall be a resident and
183 qualified elector of the district entitled to the representation
184 upon the board, and he shall be elected only by the qualified
185 electors of such district. All vacancies which may occur during a
186 term of office shall be filled by appointment of the consolidated
187 line school district trustees, but the person so appointed shall
188 serve only until the next general election following such
189 appointment, at which time a person shall be elected for the
190 remainder of the unexpired term at the same time and in the same
191 manner as the trustee is elected for the full term then expiring.
192 The person so elected to the unexpired term shall take office
193 immediately.

194 [From and after July 1, 2011, this section shall read as
195 follows:]

196 37-7-207. (1) All school districts reconstituted or created
197 under the provisions of Article 3 of this chapter, and which lie
198 wholly within one (1) county, but not including municipal separate
199 and countywide districts, shall be governed by a board of five (5)
200 trustees. The first board of trustees of such districts shall be
201 appointed by the county board of education, and the original
202 appointments shall be so made that one (1) trustee shall be
203 appointed to serve until the first Saturday of March following
204 such appointments, one (1) for one (1) year longer, one (1) for
205 two (2) years longer, one (1) for three (3) years longer, and one
206 (1) for four (4) years longer. After such original appointments,
207 the trustees of such school districts shall be elected by the
208 qualified electors of such school districts in the manner provided
209 for in this section and Section 37-7-225, with each trustee to be
210 elected for a term of four (4) years. The five (5) members of the
211 board of trustees of such consolidated school district shall be

212 elected from special trustee election districts by the qualified
213 electors thereof, as herein provided. The board of trustees of
214 any such consolidated school district shall apportion the
215 consolidated school district into five (5) special trustee
216 election districts. The board of trustees of such school district
217 shall place upon its minutes the boundaries determined for the new
218 five (5) trustee election districts. The board of trustees shall
219 thereafter publish the same in a newspaper of general circulation
220 within said school district for at least three (3) consecutive
221 weeks; and after having given notice of publication and recording
222 the same upon the minutes of the board of trustees, said new
223 district lines shall thereafter be effective.

224 On the first Tuesday after the first Monday in November 2011
225 and every four (4) years thereafter, in each consolidated school
226 district * * * an election shall be held in the same manner and at
227 the same time as the general state and county elections are held
228 and conducted, for the purpose of electing the board of trustees
229 of such district. At the election, the members of the * * *
230 board * * * shall be elected for a term of * * * four (4) years.
231 However, in order to provide for an orderly transition, the term
232 of each member of the board serving on the date that House Bill
233 No. _____, 2007 Regular Session, becomes effective that otherwise
234 would expire after the first Monday in January 2012, shall expire
235 on the first Monday of January 2012. All members of the * * *
236 board of trustees shall take office on the first Monday of January
237 following the date of their election. All vacancies which may
238 occur during a term shall be filled by appointment of the
239 consolidated school district trustees, but the person so appointed
240 shall serve only until the next general election following such
241 appointment, at which time a person shall be elected for the
242 remainder of the unexpired term at the same time and in the same
243 manner as a trustee is elected for the full term then expiring.
244 The person so elected to the unexpired term shall take office

245 immediately. Said appointee shall be selected from the qualified
246 electors of the district in which the vacancy occurs.

247 (2) All school districts reconstituted and created under the
248 provisions of Article 1 of this chapter, which embrace territory
249 in two (2) or more counties, but not including municipal separate
250 school districts, shall be governed by a board of five (5)
251 trustees. In making the original appointments, the several county
252 boards of education shall appoint the trustee or trustees to which
253 the territory in such county is entitled, and, by agreement
254 between the county boards concerned, one (1) person shall be
255 appointed to serve until the first Saturday of March following,
256 one (1) for one (1) year longer, one (1) for two (2) years longer,
257 one (1) for three (3) years longer and one (1) for four (4) years
258 longer. Thereafter, such trustees shall be elected in the manner
259 provided for in this section and Section 37-7-225, for a term of
260 four (4) years. The five (5) members of the board of trustees of
261 such line consolidated school district shall be elected from
262 special trustee election districts by the qualified electors
263 thereof, as herein provided. The existing board of trustees of
264 such line consolidated school district shall apportion the line
265 consolidated school district into five (5) special trustee
266 election districts. The board of trustees shall place upon its
267 minutes the boundaries determined for the new five (5) trustee
268 election districts. The board of trustees shall thereafter
269 publish the same in a newspaper of general circulation within said
270 school district for at least three (3) consecutive weeks; and
271 after having given notice of publication and recording the same
272 upon the minutes of the board of trustees, the new district lines
273 shall thereafter be effective. However, in any line consolidated
274 school district encompassing two (2) or more counties created
275 pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section
276 8, in which, as a condition precedent to the creation of the
277 district, each county that is a part of the district was

278 contractually guaranteed to always have at least one (1)
279 representative on the board, in order that the condition precedent
280 may be honored and guaranteed, in any year in which the board of
281 trustees of that line consolidated school district does not have
282 at least one (1) member from each county or part thereof forming
283 such district, the board of trustees in such district shall be
284 governed by a board of a sufficient number of trustees to fulfill
285 this guarantee, five (5) of whom shall be elected from the five
286 (5) special trustee election districts which shall be as nearly
287 equal as possible and one (1) member trustee appointed at large
288 from each county not having representation on the elected board.
289 In such cases, the board of supervisors of each county shall adopt
290 a written agreement to guarantee the manner of appointment of at
291 least one (1) representative from each county in the district,
292 placing such written agreement on the minutes of each board of
293 supervisors in each county.

294 On the first Tuesday after the first Monday in November 2011
295 and every four (4) years thereafter, in each line consolidated
296 school district * * * an election shall be held in the same manner
297 and at the same time as the general state and county elections are
298 held and conducted, for the purpose of electing the board of
299 trustees of such district. At the election, the members of
300 the * * * board * * * shall be elected for a term of * * * four
301 (4) years. However, in order to provide for an orderly
302 transition, the term of each member of the board serving on the
303 date that House Bill No.____, 2007 Regular Session, becomes
304 effective that otherwise would expire after the first Monday in
305 January 2012, shall expire on the first Monday of January 2012.
306 All members of the * * * board of trustees shall take office on
307 the first Monday of January following the date of their election.
308 In all elections, the trustee elected shall be a resident and
309 qualified elector of the district entitled to the representation
310 upon the board, and he shall be elected only by the qualified

311 electors of such district. All vacancies which may occur during a
312 term of office shall be filled by appointment of the consolidated
313 line school district trustees, but the person so appointed shall
314 serve only until the next general election following such
315 appointment, at which time a person shall be elected for the
316 remainder of the unexpired term at the same time and in the same
317 manner as the trustee is elected for the full term then expiring.
318 The person so elected to the unexpired term shall take office
319 immediately.

320 **SECTION 3.** Section 37-7-713, Mississippi Code of 1972, is
321 amended as follows:

322 [Until July 1, 2011, this section shall read as follows:]

323 37-7-713. (1) In all special municipal separate school
324 districts where the district embraces less than the entire area of
325 the county and where the majority of the educable children of such
326 district reside outside the limits of the municipality, * * *
327 the * * * special municipal separate school district shall be
328 governed by a board of trustees consisting of five (5) members, to
329 be elected by the qualified electors of such municipal separate
330 school district * * * in the manner provided by this section.
331 On the first Tuesday after the first Monday in November 2008, an
332 election shall be held in each special municipal separate school
333 district as constituted in this section, in the same manner and at
334 the same time as the presidential election is held and conducted,
335 for the purpose of electing the members of the boards of trustees
336 established under this section. All members of the boards of
337 trustees as constituted in this section shall take office on the
338 first Monday of January 2009 and shall serve for a term of three
339 (3) years. The five (5) members of the board of trustees shall be
340 elected from trustee election districts by the qualified electors
341 of the district, as provided in this section. The governing
342 authorities of the municipality shall apportion the special
343 municipal separate school district into five (5) special trustee

344 election districts as nearly equal as possible according to
345 population, incumbency and other factors pronounced by the courts
346 before the effective date of House Bill No. _____, 2007 Regular
347 Session. The municipal governing authorities shall place upon
348 their minutes the boundaries determined for the new five (5)
349 trustee election districts. The municipal governing authorities
350 shall thereafter publish the same in a newspaper having general
351 circulation within the school district for at least three (3)
352 consecutive weeks; and after having given notice of publication
353 and recording the same upon the minutes of the municipal governing
354 authorities, the new district lines shall be effective. The term
355 of each incumbent trustee serving on the date that House Bill No.
356 _____, 2007 Regular Session, becomes effective that otherwise would
357 expire after the first Monday of January 2009 shall expire on the
358 first Monday of January 2009.

359 (2) Vacancies in the membership of the board of trustees of
360 any special municipal separate school district as constituted in
361 this section shall be filled by appointment, within sixty (60)
362 days after the vacancy occurs, by the governing authorities of the
363 municipality. The appointee shall be selected from the qualified
364 electors of the district in which the vacancy occurs. The
365 president of the municipal governing authorities shall certify to
366 the Secretary of State the fact of the appointment, and the
367 Governor shall commission the person appointed. If the unexpired
368 term is longer than six (6) months, the appointee shall serve
369 until a successor is elected as provided in this section, unless
370 the vacancy occurs ninety (90) or fewer days before the general
371 election in a year in which an election would normally be held for
372 that office as provided by law, in which case the person appointed
373 shall serve the unexpired portion of the term. The vacancies
374 shall be filled for the unexpired term by the qualified electors
375 at the next regular special election day occurring more than
376 ninety (90) days after the occurrence of the vacancy. The

377 president of the municipal governing authorities, within ten (10)
378 days after the occurrence of the vacancy, shall make an order, in
379 writing, directed to the commissioners of election, directing an
380 election to be held on the next regular special election day to
381 fill the vacancy. The election commissioners shall require each
382 candidate to qualify at least sixty (60) days before the date of
383 the election, and shall give a certificate of election to the
384 person elected, and shall return to the Secretary of State a copy
385 of the order of holding the election and the results of the
386 election, certified by the president of the municipal governing
387 authorities. The Governor shall commission the person elected.
388 The election shall be held in the same manner provided for other
389 municipal office vacancies.

390 However, where only one (1) person has qualified with the
391 commissioners of election to be a candidate within the time
392 provided by law, the commissioners of election shall certify to
393 the municipal governing authorities that there is only one (1)
394 candidate. The municipal governing authorities shall dispense
395 with the election and shall appoint the certified candidate to
396 fill the unexpired term. The president of the municipal governing
397 authorities shall certify to the Secretary of State the candidate
398 so appointed to serve in the office and the Governor shall
399 commission the candidate. If no person has qualified at least
400 sixty (60) days before the date of the election, the commissioners
401 of election shall certify that fact to the municipal governing
402 authorities, which shall dispense with the election and fill the
403 vacancy by appointment. The president of the municipal governing
404 authorities shall certify to the Secretary of State the fact of
405 the appointment, and the Governor shall commission the appointed
406 person.

407 **[From and after July 1, 2011, this section shall read as**
408 **follows:]**

409 37-7-713. (1) In all special municipal separate school
410 districts where the district embraces less than the entire area of
411 the county and where the majority of the educable children of such
412 district reside outside the limits of the municipality, * * *
413 the * * * special municipal separate school district shall be
414 governed by a board of trustees consisting of five (5) members, to
415 be elected by the qualified electors of such municipal separate
416 school district * * * in the manner provided by this section.
417 On the first Tuesday after the first Monday in November 2011, and
418 every four (4) years thereafter, an election shall be held in each
419 special municipal separate school district as constituted in this
420 section, in the same manner and at the same time as the general
421 state and county elections are held and conducted, for the purpose
422 of electing the members of the boards of trustees established
423 under this section. All members of the boards of trustees as
424 constituted in this section shall take office on the first Monday
425 of January following the date of their election and shall serve
426 for a term of four (4) years. The five (5) members of the board
427 of trustees shall be elected from trustee election districts by
428 the qualified electors of the district, as provided in this
429 section. The governing authorities of the municipality shall
430 apportion the special municipal separate school district into five
431 (5) special trustee election districts as nearly equal as possible
432 according to population, incumbency and other factors pronounced
433 by the courts before the effective date of House Bill No. _____,
434 2007 Regular Session. The municipal governing authorities shall
435 place upon their minutes the boundaries determined for the new
436 five (5) trustee election districts. The municipal governing
437 authorities shall thereafter publish the same in a newspaper
438 having general circulation within the school district for at least
439 three (3) consecutive weeks; and after having given notice of
440 publication and recording the same upon the minutes of the
441 municipal governing authorities, the new district lines shall be

442 effective. The term of each incumbent trustee serving on the date
443 that House Bill No. _____, 2007 Regular Session, becomes effective
444 that otherwise would expire after the first Monday of January 2012
445 shall expire on the first Monday of January 2012.

446 (2) Vacancies in the membership of the board of trustees of
447 any special municipal separate school district as constituted in
448 this section shall be filled by appointment, within sixty (60)
449 days after the vacancy occurs, by the governing authorities of the
450 municipality. The appointee shall be selected from the qualified
451 electors of the district in which the vacancy occurs. The
452 president of the municipal governing authorities shall certify to
453 the Secretary of State the fact of the appointment, and the
454 Governor shall commission the person appointed. If the unexpired
455 term is longer than six (6) months, the appointee shall serve
456 until a successor is elected as provided in this section, unless
457 the vacancy occurs ninety (90) or fewer days before the general
458 election in a year in which an election would normally be held for
459 that office as provided by law, in which case the person appointed
460 shall serve the unexpired portion of the term. The vacancies
461 shall be filled for the unexpired term by the qualified electors
462 at the next regular special election day occurring more than
463 ninety (90) days after the occurrence of the vacancy. The
464 president of the municipal governing authorities, within ten (10)
465 days after the occurrence of the vacancy, shall make an order, in
466 writing, directed to the commissioners of election, directing an
467 election to be held on the next regular special election day to
468 fill the vacancy. The election commissioners shall require each
469 candidate to qualify at least sixty (60) days before the date of
470 the election, and shall give a certificate of election to the
471 person elected, and shall return to the Secretary of State a copy
472 of the order of holding the election and the results of the
473 election, certified by the president of the municipal governing
474 authorities. The Governor shall commission the person elected.

475 The election shall be held in the same manner provided for other
476 municipal office vacancies.

477 However, where only one (1) person has qualified with the
478 commissioners of election to be a candidate within the time
479 provided by law, the commissioners of election shall certify to
480 the municipal governing authorities that there is only one (1)
481 candidate. The municipal governing authorities shall dispense
482 with the election and shall appoint the certified candidate to
483 fill the unexpired term. The president of the municipal governing
484 authorities shall certify to the Secretary of State the candidate
485 so appointed to serve in the office and the Governor shall
486 commission the candidate. If no person has qualified at least
487 sixty (60) days before the date of the election, the commissioners
488 of election shall certify that fact to the municipal governing
489 authorities, which shall dispense with the election and fill the
490 vacancy by appointment. The president of the municipal governing
491 authorities shall certify to the Secretary of State the fact of
492 the appointment, and the Governor shall commission the appointed
493 person.

494 **SECTION 4.** Sections 37-7-221, 37-7-223, 37-7-227 and
495 37-7-229, Mississippi Code of 1972, which provide certain methods
496 for electing trustees of consolidated and line consolidated school
497 districts, are repealed.

498 **SECTION 5.** Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,
499 37-7-715 and 37-7-717, Mississippi Code of 1972, which provide
500 certain methods for selecting trustees of special municipal
501 separate school districts, are repealed.

502 **SECTION 6.** Section 37-9-13, Mississippi Code of 1972, is
503 amended as follows:

504 37-9-13. (1) From and after July 1, 2009, in all public
505 school districts, the school board shall appoint the
506 superintendent of the school district. Any school district
507 superintendent in office on July 1, 2009, who was elected to the

508 office for a term that expires after July 1, 2009, may continue to
509 hold the office until the expiration of the term of office for
510 which the superintendent was elected, at which time the school
511 board shall appoint a successor school district superintendent.

512 (2) No person shall be eligible to the office of
513 superintendent of schools unless such person shall hold a valid
514 administrator's license by the State Department of Education and
515 shall have had not less than four (4) years of classroom or
516 administrative experience.

517 **SECTION 7.** Section 37-9-25, Mississippi Code of 1972, is
518 amended as follows:

519 37-9-25. The school board shall have the power and
520 authority, in its discretion, to employ the superintendent * * *
521 for not exceeding four (4) scholastic years and the principals or
522 licensed employees for not exceeding three (3) scholastic years.
523 In such case, contracts shall be entered into with such
524 superintendents, principals and licensed employees for the number
525 of years for which they have been employed. All such contracts
526 with licensed employees shall for the years after the first year
527 thereof be subject to the contingency that the licensed employee
528 may be released if, during the life of the contract, the average
529 daily attendance should decrease from that existing during the
530 previous year and thus necessitate a reduction in the number of
531 licensed employees during any year after the first year of the
532 contract. However, in all such cases the licensed employee must
533 be released before July 1 or at least thirty (30) days prior to
534 the beginning of the school term, whichever date should occur
535 earlier. The salary to be paid for the years after the first year
536 of such contract shall be subject to revision, either upward or
537 downward, in the event of an increase or decrease in the funds
538 available for the payment thereof, but, unless such salary is
539 revised prior to the beginning of a school year, it shall remain
540 for such school year at the amount fixed in such contract.

541 However, where school district funds, other than adequate
542 education program funds, are available during the school year in
543 excess of the amount anticipated at the beginning of the school
544 year the salary to be paid for such year may be increased to the
545 extent that such additional funds are available and nothing herein
546 shall be construed to prohibit same.

547 **SECTION 8.** Section 37-5-61, Mississippi Code of 1972, is
548 amended as follows:

549 37-5-61. (1) There shall be a county superintendent of
550 education in each county.

551 (2) The superintendent shall serve as the executive
552 secretary of the county board of education, but shall have no vote
553 in the proceedings before the board and no voice in fixing the
554 policies thereof.

555 (3) In addition, the superintendent shall be the director of
556 all schools in the county outside the municipal separate school
557 districts.

558 (4) The superintendent shall be elected at the same time and
559 in the same manner as other county officers are elected and shall
560 hold office for a term of four (4) years.

561 (5) County superintendents of education holding office on
562 July 1, 2009, may continue to serve for the remainder of the term
563 for which they were elected in November 2007. However, if any
564 county superintendent holding office on July 1, 2009, ceases to
565 hold such office before the expiration of that term of office, the
566 school board of the school district shall appoint a successor
567 school district superintendent in accordance with Section 37-9-13.
568 Upon the expiration of the term of office in effect on July 1,
569 2009, the superintendent will be appointed in accordance with
570 Section 37-9-13. Persons previously elected to the office of
571 county superintendent of education may apply and be considered for
572 appointment to the position by the school board.

573 (6) This section shall stand repealed on January 1, 2012.

574 **SECTION 9.** Section 37-9-12, Mississippi Code of 1972, which
575 provides for a referendum on the question of retaining the
576 elective method of choosing the county superintendent of
577 education, is repealed.

578 **SECTION 10.** Sections 37-5-63, 37-5-65, 37-5-67, 37-5-69,
579 37-5-71 and 37-5-75, Mississippi Code of 1972, which provide for
580 the appointment of certain county superintendents of education,
581 are repealed.

582 **SECTION 11.** Section 23-15-297, Mississippi Code of 1972, is
583 amended as follows:

584 23-15-297. All candidates upon entering the race for party
585 nominations for office shall first pay to the proper officer as
586 provided for in Section 23-15-299 for each primary election the
587 following amounts:

588 (a) Candidates for Governor not to exceed Three Hundred
589 Dollars (\$300.00).

590 (b) Candidates for Lieutenant Governor, Attorney
591 General, Secretary of State, State Treasurer, Auditor of Public
592 Accounts, Commissioner of Insurance, Commissioner of Agriculture
593 and Commerce, State Highway Commissioner and State Public Service
594 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

595 (c) Candidates for district attorney, not to exceed One
596 Hundred Dollars (\$100.00).

597 (d) Candidates for State Senator, State Representative,
598 sheriff, chancery clerk, circuit clerk, tax assessor, tax
599 collector, county attorney * * * and board of supervisors, not to
600 exceed Fifteen Dollars (\$15.00).

601 (e) Candidates for county surveyor, county coroner,
602 justice court judge and constable, not to exceed Ten Dollars
603 (\$10.00).

604 (f) Candidates for United States Senator, not to exceed
605 Three Hundred Dollars (\$300.00).

606 (g) Candidates for United States Representative, not to
607 exceed Two Hundred Dollars (\$200.00).

608 **SECTION 12.** The Attorney General of the State of Mississippi
609 shall submit this act, immediately upon approval by the Governor,
610 or upon approval by the Legislature subsequent to a veto, to the
611 Attorney General of the United States or to the United States
612 District Court for the District of Columbia in accordance with the
613 provisions of the Voting Rights Act of 1965, as amended and
614 extended.

615 **SECTION 13.** Sections 1 through 5 of this act shall take
616 effect and be in force from and after July 1, 2007, or the date
617 Sections 1 through 5 are effectuated under Section 5 of the Voting
618 Rights Act of 1965, as amended and extended, whichever is later.
619 Sections 6 through 11 of this act shall take effect and be in
620 force from and after July 1, 2009, or the date Sections 6 through
621 11 are effectuated under Section 5 of the Voting Rights Act of
622 1965, as amended and extended, whichever is later.