

By: Representative Sanford

To: Education

HOUSE BILL NO. 654

1 AN ACT TO AMEND SECTIONS 37-5-9 AND 37-7-711, MISSISSIPPI
 2 CODE OF 1972, TO PROVIDE THAT IN A CONTEST FOR OFFICE OF BOARD OF
 3 EDUCATION TRUSTEES, THE PERSON IN EACH RESPECTIVE SUPERVISORS
 4 DISTRICT WHO RECEIVES THE MAJORITY OF VOTES CAST FOR THE POSITION
 5 SOUGHT SHALL BE DECLARED THE WINNER; TO PROVIDE FOR A RUNOFF
 6 BETWEEN THE TWO CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES
 7 IN INSTANCES WHERE NEITHER CANDIDATE RECEIVES THE MAJORITY OF
 8 VOTES CAST IN THE ELECTION; TO PROVIDE THAT THE RUNOFF ELECTION
 9 SHALL OCCUR THREE WEEKS AFTER THE FIRST ELECTION; AND FOR RELATED
 10 PURPOSES.

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

12 **SECTION 1.** Section 37-5-9, Mississippi Code of 1972, is
 13 amended as follows:

14 37-5-9. The name of any qualified elector who is a candidate
 15 for the county board of education shall be placed on the ballot
 16 used in the general elections by the county election
 17 commissioners, provided that the candidate files with the county
 18 election commissioners, not more than ninety (90) days and not
 19 less than sixty (60) days prior to the date of such general
 20 election, a petition of nomination signed by not less than fifty
 21 (50) qualified electors of the county residing within each
 22 supervisors district. Where there are less than one hundred (100)



23 qualified electors in said supervisors district, it shall only be
24 required that said petition of nomination be signed by at least
25 twenty percent (20%) of the qualified electors of such supervisors
26 district. The candidate in each supervisors district who receives
27 the * * * majority of votes cast in the district shall be declared
28 elected. If no candidate receives a majority of the votes cast at
29 the election, a runoff shall be held between the two (2)
30 candidates receiving the highest number of votes in the first
31 election. The runoff election, in the event that such is
32 necessary, shall be held three (3) weeks after the first election.

33 When any member of the county board of education is to be
34 elected from the county at large under the provisions of this
35 chapter, then the petition required by the preceding paragraph
36 hereof shall be signed by the required number of qualified
37 electors residing in any part of the county outside of the
38 territory embraced within a municipal separate school district or
39 special municipal separate school district. The candidate who
40 receives the * * * majority of votes cast in the election shall be
41 declared elected. If no candidate receives a majority of the
42 votes cast at the election, a runoff shall be held between the two
43 (2) candidates receiving the highest number of votes in the first
44 election. The runoff election, in the event that such is
45 necessary, shall be held three (3) weeks after the first election.

46 In no case shall any qualified elector residing within a
47 municipal separate school district or special municipal separate



48 school district be eligible to sign a petition of nomination for
49 any candidate for the county board of education under any of the
50 provisions of this section.

51 **SECTION 2.** Section 37-7-711, Mississippi Code of 1972, is
52 amended as follows:

53 37-7-711. In all such special municipal separate school
54 districts which may be so organized, reorganized or reconstituted
55 to embrace the entire county in which the majority of the
56 inhabitants of the county reside outside the corporate limits of
57 the municipality, the name of any qualified elector who is a
58 candidate for the board of trustees of such special municipal
59 separate school district, whether such person be a candidate for
60 an unexpired term or for a full term, shall be placed on the
61 ballot used in the elections, provided that the candidate files
62 with the county election commissioners, not more than ninety (90)
63 days and not less than sixty (60) days prior to the date of such
64 general election, a petition of nomination signed by not less than
65 fifty (50) qualified electors of the county. Where there are less
66 than one hundred (100) qualified electors in said area represented
67 by the trustee, it shall only be required that said petition of
68 nomination be signed by at least twenty percent (20%) of the
69 qualified electors in said area. * * * However, * * * in any such
70 special municipal separate school district which embraces the
71 entire county and which borders the Mississippi River and in which
72 Interstate Highway 20 and United States Highway 61 intersect and



73 having a population in excess of forty-seven thousand (47,000)
74 according to the 1990 federal decennial census, the candidate
75 shall be required to file a petition of nomination with the county
76 election commissioners not less than sixty (60) days prior to the
77 date of such general election, in addition to the other
78 requirements prescribed herein.

79 The candidate in each election who receives the * * *
80 majority of votes cast in the election shall be declared to have
81 been elected. If no candidate receives a majority of the votes
82 cast at the election, a runoff shall be held between the two (2)
83 candidates receiving the highest number of votes in the first
84 election. The runoff election, in the event that such is
85 necessary, shall be held three (3) weeks after the first election.

86 **SECTION 3.** This act shall take effect and be in force from
87 and after July 1, 2019.

