

By: Representative Hurst

To: Apportionment and Elections

HOUSE BILL NO. 1549

1 AN ACT TO AMEND SECTIONS 23-15-171, 23-15-191, 23-15-193,  
 2 23-15-213, 23-15-833, 23-15-857, 23-15-981, 23-15-1031,  
 3 23-15-1083, 37-5-9, 37-7-215, 37-7-217, 37-7-227 AND 37-7-711,  
 4 MISSISSIPPI CODE OF 1972, TO REVISE THE TIME FOR HOLDING RUNOFF  
 5 ELECTIONS TO FIVE WEEKS AFTER THE FIRST ELECTION INSTEAD OF THREE  
 6 WEEKS; TO BRING FORWARD SECTIONS 23-15-173, 23-15-1031,  
 7 23-15-1033, 23-15-1041, 23-15-991, 23-15-1015, 9-4-5, 9-4-15,  
 8 9-9-5, 37-5-1, 37-7-306, 37-7-201 AND 37-7-203, MISSISSIPPI CODE  
 9 OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO AMEND SECTION  
 10 37-5-7, MISSISSIPPI CODE OF 1972, TO MAKE MINOR, NON-SUBSTANTIVE  
 11 CHANGES; TO BRING FORWARD SECTIONS 37-7-223 AND 37-7-207,  
 12 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
 13 AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 23-15-171, Mississippi Code of 1972, is  
 16 amended as follows:

17 23-15-171. (1) Municipal primary elections shall be held on  
 18 the first Tuesday in April preceding the general municipal  
 19 election and, in the event a second primary shall be necessary,  
 20 such second primary shall be held \* \* \* five (5) weeks preceding  
 21 such general municipal election. The candidate receiving a  
 22 majority of the votes cast in the election shall be the party  
 23 nominee. If no candidate shall receive a majority vote at the



24 election, the two (2) candidates receiving the highest number of  
25 votes shall have their names placed on the ballot for the second  
26 primary election. The candidate receiving the most votes cast in  
27 the second primary election shall be the party nominee. However,  
28 if no candidate shall receive a majority vote at the first  
29 primary, and there is a tie in the election of those receiving the  
30 next highest vote, those candidates receiving the next highest  
31 vote and the candidate receiving the highest vote shall have their  
32 names placed on the ballot for the second primary election, and  
33 whoever receives the most votes cast in the second primary  
34 election shall be the party nominee. At the primary election the  
35 municipal executive committee shall perform the same duties as are  
36 specified by law and performed by members of the county executive  
37 committee with regard to state and county primary elections. Each  
38 municipal executive committee shall have as many members as there  
39 are elective officers of the municipality, and the members of the  
40 municipal executive committee of each political party shall be  
41 elected in the primary elections held for the nomination of  
42 candidates for municipal offices. The provisions of this section  
43 shall govern all municipal primary elections as far as applicable,  
44 but the officers to prepare the ballots and the poll managers and  
45 other officials of the primary election shall be appointed by the  
46 municipal executive committee of the party holding the primary,  
47 and the returns of such election shall be made to such municipal



48 executive committee. Vacancies in the executive committee shall  
49 be filled by it.

50 (2) Provided, however, that in municipalities operating  
51 under a special or private charter which fixes a time for holding  
52 elections, other than the time fixed by Chapter 491, Laws of 1950,  
53 the first primary election shall be held on the first Tuesday, two  
54 (2) months before the time for holding the general election, as  
55 fixed by the charter, and the second primary election, where  
56 necessary, shall be held \* \* \* five (5) weeks after the first  
57 primary election, unless the charter of any such municipality  
58 provides otherwise, in which event the provisions of the special  
59 or private charter shall prevail as to the time of holding such  
60 primary elections.

61 (3) All primary elections in municipalities shall be held  
62 and conducted in the same manner as is provided by law for state  
63 and county primary elections.

64 **SECTION 2.** Section 23-15-191, Mississippi Code of 1972, is  
65 amended as follows:

66 23-15-191. The first primary shall be held on the first  
67 Tuesday after the first Monday of August preceding any regular or  
68 general election; and the second primary shall be held \* \* \* five  
69 (5) weeks thereafter. The candidate that receives a majority of  
70 the votes cast in the election shall be the party nominee. If no  
71 candidate receives a majority vote at the election, then the two  
72 (2) candidates who receive the highest number of votes shall have



73 their names placed on the ballot for the second primary election  
74 to be held \* \* \* five (5) weeks later. The candidate who receives  
75 the most votes in the second primary election shall be the party  
76 nominee. However, if no candidate receives a majority vote at the  
77 first primary, and there is a tie in the election of those  
78 receiving the next highest vote, then those candidates receiving  
79 the next highest vote and the candidate receiving the highest vote  
80 shall have their names placed on the ballot for the second primary  
81 election to be held \* \* \* five (5) weeks later, and whoever  
82 receives the most votes cast in the second primary election shall  
83 be the party nominee.

84       **SECTION 3.** Section 23-15-193, Mississippi Code of 1972, is  
85 amended as follows:

86       23-15-193. (1) At the election in 2023, and every four (4)  
87 years thereafter, there shall be elected a Governor, Lieutenant  
88 Governor, Secretary of State, Auditor of Public Accounts, State  
89 Treasurer, Attorney General, three (3) public service  
90 commissioners, three (3) Mississippi Transportation Commissioners,  
91 Commissioner of Insurance, Commissioner of Agriculture and  
92 Commerce, Senators and members of the House of Representatives in  
93 the Legislature, district attorneys for the several districts,  
94 clerks of the circuit and chancery courts of the several counties,  
95 as well as sheriffs, coroners, assessors, surveyors and members of  
96 the boards of supervisors, justice court judges and constables,  
97 and all other officers to be elected by the people at the general



98 state election. All such officers shall hold their offices for a  
99 term of four (4) years, and until their successors are elected and  
100 qualified. The state officers shall be elected in the manner  
101 prescribed in Section 140 of the Constitution.

102 (2) The state officers that receive a majority of votes cast  
103 for the office at the general election shall be elected. If no  
104 candidate receives a majority number of votes cast at the  
105 election, then the two (2) candidates who receive the highest  
106 number of votes cast shall have their names placed on the ballot  
107 for the runoff election to be held \* \* \* five (5) weeks later.  
108 The candidate who receives a majority of the votes cast in the  
109 runoff election shall be elected. However, if no candidate  
110 receives a majority vote cast at the election, and there is a tie  
111 in the election of those receiving the next highest vote, then  
112 those candidates receiving the next highest vote and the candidate  
113 receiving the highest number of votes cast shall have their names  
114 placed on the ballot for the runoff election to be held \* \* \* five  
115 (5) weeks later, and whoever receives the majority of votes cast  
116 in the runoff election shall be elected. If it appears that two  
117 (2) or more candidates for state office have an equal number of  
118 votes after the runoff election, the interested candidates shall  
119 appear before the Chief Justice of the Mississippi Supreme Court  
120 within two (2) days after the canvass and the tie shall be  
121 determined by a toss of a coin or by lot fairly and publicly  
122 drawn, and a certificate of election shall be given accordingly.



123           **SECTION 4.** Section 23-15-213, Mississippi Code of 1972, is  
124 amended as follows:

125           23-15-213. (1) There shall be elected five (5) election  
126 commissioners for each county whose terms of office shall commence  
127 on the first Monday of January following their election and who  
128 shall serve for a term of four (4) years. Each of the  
129 commissioners shall be required to attend a training seminar  
130 provided by the Secretary of State and satisfactorily complete a  
131 skills assessment, and before acting, shall take and subscribe the  
132 oath of office prescribed by the Constitution. The oath shall be  
133 filed in the office of the clerk of the chancery court. Upon  
134 filing the oath of office, the election commissioner may be  
135 provided access to the Statewide Elections Management System for  
136 the purpose of performing his or her duties. Such skills  
137 assessment shall only be required once every four (4) years.  
138 While engaged in their duties, the commissioners shall be  
139 conservators of the peace in the county, with all the duties and  
140 powers of such.

141           (2) (a) At the general election in 2024 and every four (4)  
142 years thereafter, the qualified electors of the board of  
143 supervisors' Districts One, Three and Five shall elect in their  
144 district one (1) election commissioner.

145           (b) At the general election in 2023 and every four (4)  
146 years thereafter, the qualified electors of the board of



147 supervisors' Districts Two and Four shall elect in their district  
148 one (1) election commissioner.

149 (c) No more than one (1) commissioner shall be a  
150 resident of and reside in each supervisor's district of the  
151 county; it being the purpose of this section that the county board  
152 of election commissioners shall consist of one (1) person from  
153 each supervisor's district of the county and that each  
154 commissioner be elected from the supervisor's district in which he  
155 or she resides.

156 (3) Candidates for county election commissioner shall  
157 qualify by filing with the clerk of the board of supervisors of  
158 their respective counties a petition personally signed by not less  
159 than fifty (50) qualified electors of the supervisor's district in  
160 which they reside, requesting that they be a candidate, by 5:00  
161 p.m. not later than February 1 of the year in which the election  
162 occurs and unless the petition is filed within the required time,  
163 their names shall not be placed upon the ballot. All candidates  
164 shall declare in writing their party affiliation, if any, to the  
165 board of supervisors, and such party affiliation shall be shown on  
166 the official ballot.

167 (4) The petition shall have attached thereto a certificate  
168 of the county registrar showing the number of qualified electors  
169 on each petition, which shall be furnished by the registrar on  
170 request. The board shall determine the sufficiency of the  
171 petition, and if the petition contains the required number of



172 signatures and is filed within the time required, the president of  
173 the board shall verify that the candidate is a resident of the  
174 supervisor's district in which he or she seeks election and that  
175 the candidate is otherwise qualified as provided by law, and shall  
176 certify that the candidate is qualified to the chair or secretary  
177 of the county election commission and the names of the candidates  
178 shall be placed upon the ballot for the ensuing election. No  
179 county election commissioner shall serve or be considered as  
180 elected until he or she has received a majority of the votes cast  
181 for the position or post for which he or she is a candidate. If a  
182 majority vote is not received in the first election, then the two  
183 (2) candidates receiving the most votes for each position or post  
184 shall be placed upon the ballot for a second election to be  
185 held \* \* \* five (5) weeks later in accordance with appropriate  
186 procedures followed in other elections involving runoff  
187 candidates.

188 (5) In the first meeting in January of each year, the county  
189 election commissioners shall organize by electing a chair and a  
190 secretary, who shall serve a one-year term. The county election  
191 commissioners shall provide the names of the chair and secretary  
192 to the Secretary of State and provide notice of any change in  
193 officers which may occur during the year.

194 (6) It shall be the duty of the chair to have the official  
195 ballot printed and distributed at each general or special  
196 election.





197           **SECTION 5.** Section 23-15-833, Mississippi Code of 1972, is  
198 amended as follows:

199           23-15-833. Except as otherwise provided by law, the first  
200 Tuesday after the first Monday in November of each year shall be  
201 designated the regular special election day, and on that day an  
202 election shall be held to fill any vacancy in county, county  
203 district, and district attorney elective offices, and any vacancy  
204 in the office of circuit judge or chancellor.

205           All special elections, or elections to fill vacancies, shall  
206 in all respects be held, conducted and returned in the same manner  
207 as general elections, except that where no candidate receives a  
208 majority of the votes cast in the election, a runoff election  
209 shall be held \* \* \* five (5) weeks after the election. The two  
210 (2) candidates who receive the highest popular votes for the  
211 office shall have their names submitted as the candidates to the  
212 runoff and the candidate who leads in the runoff election shall be  
213 elected to the office. When there is a tie in the first election  
214 of those receiving the next highest vote, these two (2) and the  
215 one receiving the highest vote, none having received a majority,  
216 shall go into the runoff election and whoever leads in the runoff  
217 election shall be entitled to the office.

218           In those years when the regular special election day shall  
219 occur on the same day as the general election, the names of  
220 candidates in any special election and the general election shall  
221 be placed on the same ballot, but shall be clearly distinguished



222 as general election candidates or special election candidates. At  
223 any time a special election is held on the same day as a party  
224 primary election, the names of the candidates in the special  
225 election may be placed on the same ballot, but shall be clearly  
226 distinguished as special election candidates or primary election  
227 candidates.

228         **SECTION 6.** Section 23-15-857, Mississippi Code of 1972, is  
229 amended as follows:

230         23-15-857. (1) When there is a vacancy in an elective  
231 office in a city, town or village, the unexpired term of which  
232 shall not exceed six (6) months, the same shall be filled by  
233 appointment by the governing authority or remainder of the  
234 governing authority of the city, town or village. The municipal  
235 clerk shall certify the appointment to the Secretary of State and  
236 the appointed person or persons shall be commissioned by the  
237 Governor.

238         (2) When there is a vacancy in an elective office in a city,  
239 town or village, the unexpired term of which shall exceed six (6)  
240 months, the governing authority or remainder of the governing  
241 authority of the city, town or village shall make and enter on the  
242 minutes an order for an election to be held in the city, town or  
243 village to fill the vacancy and fix a date upon which the election  
244 shall be held. The order shall be made and entered upon the  
245 minutes at the next regular meeting of the governing authority  
246 after the vacancy occurs, or at a special meeting to be held not



247 later than ten (10) days after the vacancy occurs, Saturdays,  
248 Sundays and legal holidays excluded, whichever shall occur first.  
249 The election shall be held on a date not less than thirty (30)  
250 days nor more than forty-five (45) days after the date upon which  
251 the order is adopted.

252 Notice of the election shall be given by the municipal clerk  
253 by notice published in a newspaper published in the municipality.  
254 The notice shall be published once each week for three (3)  
255 successive weeks preceding the date of the election. The first  
256 notice shall be published at least thirty (30) days before the  
257 date of the election. Notice shall also be given by posting a  
258 copy of the notice at three (3) public places in the municipality  
259 not less than twenty-one (21) days before the date of the  
260 election. One (1) of the notices shall be posted at the city,  
261 town or village hall. In the event that there is no newspaper  
262 published in the municipality, such notice shall be published as  
263 provided for above in a newspaper that has a general circulation  
264 within the municipality and by posting as provided for above.  
265 Additionally, the governing authority may publish the notice in  
266 that newspaper for as many additional times as may be deemed  
267 necessary by the governing authority.

268 Each candidate shall qualify by petition filed with the  
269 municipal clerk by 5:00 p.m. at least twenty (20) days before the  
270 date of the election. If the twentieth day to file the petition  
271 before the election falls on a Sunday or legal holiday, the



272 petition filed on the business day immediately following the  
273 Sunday or legal holiday shall be accepted. The petition shall be  
274 signed by not less than the following number of qualified  
275 electors:

276 (a) For an office of a city, town, village or municipal  
277 district having a population of one thousand (1,000) or more, not  
278 less than fifty (50) qualified electors.

279 (b) For an office of a city, town, village or municipal  
280 district having a population of less than one thousand (1,000),  
281 not less than fifteen (15) qualified electors.

282 No qualifying fee shall be required of any candidate, and the  
283 election shall be held as far as practicable in the same manner as  
284 municipal general elections.

285 The candidate receiving a majority of the votes cast in the  
286 election shall be elected. If no candidate receives a majority  
287 vote at the election, the two (2) candidates receiving the highest  
288 number of votes shall have their names placed on the ballot for  
289 the election to be held \* \* \* five (5) weeks thereafter. The  
290 candidate receiving a majority of the votes cast in the election  
291 shall be elected. However, if no candidate receives a majority  
292 and there is a tie in the election of those receiving the next  
293 highest vote, those receiving the next highest vote and the  
294 candidate receiving the highest vote shall have their names placed  
295 on the ballot for the election to be held \* \* \* five (5) weeks



296 thereafter, and whoever receives the most votes cast in the  
297 election shall be elected.

298       Should the election held \* \* \* five (5) weeks thereafter  
299 result in a tie vote, the prevailing candidate shall be decided by  
300 a toss of a coin or by lot fairly and publicly drawn under the  
301 supervision of the election commission.

302       The clerk of the election commission shall then give a  
303 certificate of election to the person elected, and return to the  
304 Secretary of State a copy of the order of holding the election and  
305 runoff election results, certified by the clerk of the governing  
306 authority. The person elected shall be commissioned by the  
307 Governor.

308       However, if nineteen (19) days before the date of the  
309 election only one (1) person shall have qualified as a candidate,  
310 the governing authority, or remainder of the governing authority,  
311 shall dispense with the election and appoint that one (1)  
312 candidate in lieu of an election. In the event no person shall  
313 have qualified by 5:00 p.m. at least twenty (20) days before the  
314 date of the election, the governing authority or remainder of the  
315 governing authority shall dispense with the election and fill the  
316 vacancy by appointment. The clerk of the governing authority  
317 shall certify the appointment to the Secretary of State, and the  
318 appointed person shall be commissioned by the Governor.

319       **SECTION 7.** Section 23-15-981, Mississippi Code of 1972, is  
320 amended as follows:



321           23-15-981. If two (2) or more candidates qualify for  
322 judicial office, the names of those candidates shall be placed on  
323 the general election ballot. If any candidate for such an office  
324 receives a majority of the votes cast for such office in the  
325 general election, he shall be declared elected. If no candidate  
326 for such office receives a majority of the votes cast for such  
327 office in the general election, the names of the two (2)  
328 candidates receiving the highest number of votes for such office  
329 shall be placed on the ballot for a second election to be  
330 held \* \* \* five (5) weeks later in accordance with appropriate  
331 procedures followed in other elections involving runoff  
332 candidates.

333           **SECTION 8.** Section 23-15-1031, Mississippi Code of 1972, is  
334 amended as follows:

335           23-15-1031. Except as provided by Section 23-15-1081, the  
336 first primary election for Congressmen shall be held on the first  
337 Tuesday in June of the years in which congressmen are elected, and  
338 a second primary, if necessary, shall be held \* \* \* five (5) weeks  
339 thereafter. Each year in which a presidential election is held,  
340 the congressional primary shall be held as provided in Section  
341 23-15-1081. The election shall be held in all districts of the  
342 state on the same day. Candidates for United States Senator shall  
343 be nominated at the congressional primary next preceding the  
344 general election at which a senator is to be elected and in the  
345 same manner that congressmen are nominated. The chair and



346 secretary of the state executive committee shall certify the vote  
347 for United States Senator to the Secretary of State in the same  
348 manner that county executive committees certify the returns of  
349 counties in general state and county primary elections.

350 **SECTION 9.** Section 23-15-1083, Mississippi Code of 1972, is  
351 amended as follows:

352 23-15-1083. Beginning in 1988, as an alternative to the  
353 congressional primary election date set forth in Section  
354 23-15-1031, when a political party elects to conduct a  
355 presidential preference primary, the first primary election for  
356 congressmen, and senators, if senators are to be elected, shall be  
357 held on the second Tuesday in March, and the second primary, when  
358 one is necessary, shall be held \* \* \* five (5) weeks thereafter,  
359 and the election shall be held in all districts of the state on  
360 the same day.

361 **SECTION 10.** Section 37-5-9, Mississippi Code of 1972, is  
362 amended as follows:

363 37-5-9. The name of any qualified elector who is a candidate  
364 for the county board of education shall be placed on the ballot  
365 used in the general elections by the county election  
366 commissioners, provided that the candidate files with the county  
367 election commissioners, not more than ninety (90) days and not  
368 less than sixty (60) days prior to the date of such general  
369 election, a petition of nomination signed by not less than fifty  
370 (50) qualified electors of the county residing within each



371 supervisors district. Where there are less than one hundred (100)  
372 qualified electors in said supervisors district, it shall only be  
373 required that said petition of nomination be signed by at least  
374 twenty percent (20%) of the qualified electors of such supervisors  
375 district. The candidate in each supervisors district who receives  
376 the majority of votes cast in the district shall be declared  
377 elected. If no candidate receives a majority of the votes cast at  
378 the election, a runoff shall be held between the two (2)  
379 candidates receiving the highest number of votes in the first  
380 election. The runoff election, in the event that such is  
381 necessary, shall be held \* \* \* five (5) weeks after the first  
382 election.

383 When any member of the county board of education is to be  
384 elected from the county at large under the provisions of this  
385 chapter, then the petition required by the preceding paragraph  
386 hereof shall be signed by the required number of qualified  
387 electors residing in any part of the county outside of the  
388 territory embraced within a municipal separate school district or  
389 special municipal separate school district. The candidate who  
390 receives the majority of votes cast in the election shall be  
391 declared elected. If no candidate receives a majority of the  
392 votes cast at the election, a runoff shall be held between the two  
393 (2) candidates receiving the highest number of votes in the first  
394 election. The runoff election, in the event that such is





395 necessary, shall be held \* \* \* five (5) weeks after the first  
396 election.

397 In no case shall any qualified elector residing within a  
398 municipal separate school district or special municipal separate  
399 school district be eligible to sign a petition of nomination for  
400 any candidate for the county board of education under any of the  
401 provisions of this section.

402 **SECTION 11.** Section 37-7-215, Mississippi Code of 1972, is  
403 amended as follows:

404 37-7-215. All such elections shall be held on the first  
405 Tuesday after the first Monday in November of each year and in the  
406 same manner as general state and county elections are held and  
407 conducted. In the event a runoff is necessary the runoff shall be  
408 held \* \* \* five (5) weeks thereafter.

409 **SECTION 12.** Section 37-7-217, Mississippi Code of 1972, is  
410 amended as follows:

411 37-7-217. (1) The county election commissioners shall  
412 indicate on the ballot which of the persons whose names appear  
413 thereon are candidates for a full term, and which of such persons,  
414 if any, are candidates for an unexpired term or terms.

415 (2) The qualified electors of each school district operating  
416 under Section 37-7-215 shall vote on the date specified in that  
417 section and at the special trustee election districts.

418 (3) A person elected shall assume the duties of his office  
419 for the full term on the first day of January if the election is



420 for the full term. A person elected to an unexpired term shall  
421 assume office immediately.

422 (4) The county election commissioners shall forthwith  
423 certify the results of the election to the superintendent of the  
424 municipal separate or special municipal separate school district,  
425 as the case may be, which certificate shall be delivered to such  
426 superintendent within five (5) days following the first election.

427 (5) If a person does not receive a majority of the votes  
428 cast at the election, a runoff shall be held between the two (2)  
429 persons receiving the highest number of votes at the first  
430 election. In the event a runoff is necessary the runoff shall be  
431 held five (5) weeks thereafter.

432 **SECTION 13.** Section 37-7-227, Mississippi Code of 1972, is  
433 amended as follows:

434 37-7-227. (1) The county election commissioners shall  
435 indicate on the ballot which of the persons whose names appear  
436 thereon are candidates for a full term, and which of such persons,  
437 if any, are candidates for an unexpired term or terms. The  
438 candidate who receives a majority of the votes cast, either for a  
439 full term or for an unexpired term or terms, as indicated on the  
440 ballot, shall be declared elected, and the person or persons  
441 elected to a full term shall assume the duties of his office on  
442 the first day of January of the year following such election. The  
443 person or persons elected to an unexpired term(s) shall assume  
444 office immediately. If no candidate receives a majority of the



445 votes cast at the election, a runoff shall be held in the same  
446 manner \* \* \* five (5) weeks after the election between the two (2)  
447 candidates receiving the highest number of votes upon the first  
448 ballot.

449 (2) Notwithstanding any other provision of law, if an  
450 election for school board trustees occurs on a Tuesday, during a  
451 general election, any runoff for such election shall occur \* \* \*  
452 five (5) weeks after the election.

453 **SECTION 14.** Section 37-7-711, Mississippi Code of 1972, is  
454 amended as follows:

455 37-7-711. In all such special municipal separate school  
456 districts which may be so organized, reorganized or reconstituted  
457 to embrace the entire county in which the majority of the  
458 inhabitants of the county reside outside the corporate limits of  
459 the municipality, the name of any qualified elector who is a  
460 candidate for the board of trustees of such special municipal  
461 separate school district, whether such person be a candidate for  
462 an unexpired term or for a full term, shall be placed on the  
463 ballot used in the elections, provided that the candidate files  
464 with the county election commissioners, not more than ninety (90)  
465 days and not less than sixty (60) days prior to the date of such  
466 general election, a petition of nomination signed by not less than  
467 fifty (50) qualified electors of the county. Where there are less  
468 than one hundred (100) qualified electors in said area represented  
469 by the trustee, it shall only be required that said petition of



470 nomination be signed by at least twenty percent (20%) of the  
471 qualified electors in said area. However, in any such special  
472 municipal separate school district which embraces the entire  
473 county and which borders the Mississippi River and in which  
474 Interstate Highway 20 and United States Highway 61 intersect and  
475 having a population in excess of forty-seven thousand (47,000)  
476 according to the 1990 federal decennial census, the candidate  
477 shall be required to file a petition of nomination with the county  
478 election commissioners not less than sixty (60) days prior to the  
479 date of such general election, in addition to the other  
480 requirements prescribed herein.

481 The candidate in each election who receives the majority of  
482 votes cast in the election shall be declared to have been elected.  
483 If no candidate receives a majority of the votes cast at the  
484 election, a runoff shall be held between the two (2) candidates  
485 receiving the highest number of votes in the first election. The  
486 runoff election, in the event that such is necessary, shall be  
487 held \* \* \* five (5) weeks after the first election.

488 **SECTION 15.** Section 23-15-173, Mississippi Code of 1972, is  
489 brought forward as follows:

490 23-15-173. (1) A general municipal election shall be held  
491 in each city, town or village on the first Tuesday after the first  
492 Monday of June 1985, and every four (4) years thereafter, for the  
493 election of all municipal officers elected by the people.



494 (2) All municipal general elections shall be held and  
495 conducted in the same manner as is provided by law for state and  
496 county general elections.

497 (3) The provisions of Sections 23-15-171 and 23-15-173,  
498 which fix the times to hold primary and general elections, shall  
499 not apply to any municipality operating under a special or private  
500 charter where the governing board or authority thereof, on or  
501 before June 25, 1952, shall have adopted and spread upon its  
502 minutes a resolution or ordinance declining to accept the  
503 provisions, in which event the primary and general elections shall  
504 be held at the time fixed by the charter of the municipality.

505 **SECTION 16.** Section 23-15-1031, Mississippi Code of 1972, is  
506 brought forward as follows:

507 23-15-1031. Except as provided by Section 23-15-1081, the  
508 first primary election for Congressmen shall be held on the first  
509 Tuesday in June of the years in which congressmen are elected, and  
510 a second primary, if necessary, shall be held three (3) weeks  
511 thereafter. Each year in which a presidential election is held,  
512 the congressional primary shall be held as provided in Section  
513 23-15-1081. The election shall be held in all districts of the  
514 state on the same day. Candidates for United States Senator shall  
515 be nominated at the congressional primary next preceding the  
516 general election at which a senator is to be elected and in the  
517 same manner that congressmen are nominated. The chair and  
518 secretary of the state executive committee shall certify the vote



519 for United States Senator to the Secretary of State in the same  
520 manner that county executive committees certify the returns of  
521 counties in general state and county primary elections.

522         **SECTION 17.** Section 23-15-1033, Mississippi Code of 1972, is  
523 brought forward as follows:

524         23-15-1033. Representatives in the Congress of the United  
525 States shall be chosen by districts on the first Tuesday after the  
526 first Monday of November in the year 1986, and every two (2) years  
527 thereafter. The laws regulating general elections shall apply to  
528 and govern elections for representatives in Congress; and the  
529 Governor shall issue a commission to the person elected in each  
530 district.

531         **SECTION 18.** Section 23-15-1041, Mississippi Code of 1972, is  
532 brought forward as follows:

533         23-15-1041. There shall be elected, by the qualified  
534 electors of Mississippi, one (1) United States Senator at the same  
535 time and in the same manner that members of the lower house of  
536 Congress are elected in 1988, and every six (6) years thereafter;  
537 and in the same manner there shall be one (1) United States  
538 Senator elected at the congressional election in 1990, and every  
539 six (6) years thereafter; and the person elected shall be  
540 commissioned by the Governor.

541         **SECTION 19.** Section 23-15-991, Mississippi Code of 1972, is  
542 brought forward as follows:



543           23-15-991. The term of office of judges of the Supreme Court  
544 shall be eight (8) years. Concurrently with the regular election  
545 for representatives in Congress, held next preceding the  
546 expiration of the term of an incumbent, and likewise each eighth  
547 year thereafter, an election shall be held in the Supreme Court  
548 district from which such incumbent was elected at which there  
549 shall be elected a successor to the incumbent, whose term of  
550 office shall thereafter begin on the first Monday of January of  
551 the year in which the term of the incumbent he succeeds expires.

552           **SECTION 20.** Section 23-15-1015, Mississippi Code of 1972, is  
553 brought forward as follows:

554           23-15-1015. On Tuesday after the first Monday in November  
555 1986, and every four (4) years thereafter and concurrently with  
556 the election for representatives in Congress, there shall be held  
557 an election in every county for judges of the several circuit and  
558 chancery court districts. The laws regulating the general  
559 elections shall, except as otherwise provided for in Sections  
560 23-15-974 through 23-15-985, apply to and govern elections of  
561 judges of the circuit and chancery courts.

562           **SECTION 21.** Section 9-4-5, Mississippi Code of 1972, is  
563 brought forward as follows:

564           9-4-5. (1) The term of office of judges of the Court of  
565 Appeals shall be eight (8) years. An election shall be held on  
566 the first Tuesday after the first Monday in November 1994, to  
567 elect the ten (10) judges of the Court of Appeals, two (2) from



568 each congressional district; provided, however, judges of the  
569 Court of Appeals who are elected to take office after the first  
570 Monday of January 2002, shall be elected from the Court of Appeals  
571 Districts described in subsection (5) of this section. The judges  
572 of the Court of Appeals shall begin service on the first Monday of  
573 January 1995.

574 (2) (a) In order to provide that the offices of not more  
575 than a majority of the judges of said court shall become vacant at  
576 any one (1) time, the terms of office of six (6) of the judges  
577 first to be elected shall expire in less than eight (8) years.  
578 For the purpose of all elections of members of the court, each of  
579 the ten (10) judges of the Court of Appeals shall be considered a  
580 separate office. The two (2) offices in each of the five (5)  
581 districts shall be designated Position Number 1 and Position  
582 Number 2, and in qualifying for office as a candidate for any  
583 office of judge of the Court of Appeals each candidate shall state  
584 the position number of the office to which he aspires and the  
585 election ballots shall so indicate.

586 (i) In Congressional District Number 1, the judge  
587 of the Court of Appeals for Position Number 1 shall be that office  
588 for which the term ends January 1, 1999, and the judge of the  
589 Court of Appeals for Position Number 2 shall be that office for  
590 which the term ends January 1, 2003.

591 (ii) In Congressional District Number 2, the judge  
592 of the Court of Appeals for Position Number 1 shall be that office





593 for which the term ends on January 1, 2003, and the judge of the  
594 Court of Appeals for Position Number 2 shall be that office for  
595 which the term ends January 1, 2001.

596 (iii) In Congressional District Number 3, the  
597 judge of the Court of Appeals for Position Number 1 shall be that  
598 office for which the term ends on January 1, 2001, and the judge  
599 of the Court of Appeals for Position Number 2 shall be that office  
600 for which the term ends January 1, 1999.

601 (iv) In Congressional District Number 4, the judge  
602 of the Court of Appeals for Position Number 1 shall be that office  
603 for which the term ends on January 1, 1999, and the judge of the  
604 Court of Appeals for Position Number 2 shall be that office for  
605 which the term ends January 1, 2003.

606 (v) In Congressional District Number 5, the judge  
607 of the Court of Appeals for Position Number 1 shall be that office  
608 for which the term ends on January 1, 2003, and the judge of the  
609 Court of Appeals for Position Number 2 shall be that office for  
610 which the term ends January 1, 2001.

611 (b) The laws regulating the general elections shall  
612 apply to and govern the elections of judges of the Court of  
613 Appeals except as otherwise provided in Sections 23-15-974 through  
614 23-15-985.

615 (c) In the year prior to the expiration of the term of  
616 an incumbent, and likewise each eighth year thereafter, an  
617 election shall be held in the manner provided in this section in



618 the district from which the incumbent Court of Appeals judge was  
619 elected at which there shall be elected a successor to the  
620 incumbent, whose term of office shall thereafter begin on the  
621 first Monday of January of the year in which the term of the  
622 incumbent he succeeds expires.

623 (3) No person shall be eligible for the office of judge of  
624 the Court of Appeals who has not attained the age of thirty (30)  
625 years at the time of his election and who has not been a  
626 practicing attorney and citizen of the state for five (5) years  
627 immediately preceding such election.

628 (4) Any vacancy on the Court of Appeals shall be filled by  
629 appointment of the Governor for that portion of the unexpired term  
630 prior to the election to fill the remainder of said term according  
631 to provisions of Section 23-15-849, Mississippi Code of 1972.

632 (5) (a) The State of Mississippi is hereby divided into  
633 five (5) Court of Appeals Districts as follows:

634 **FIRST DISTRICT.** The First Court of Appeals District shall be  
635 composed of the following counties and portions of counties:  
636 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,  
637 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,  
638 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada  
639 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;  
640 in Montgomery County the precincts of North Winona, Lodi, Stewart,  
641 Nations and Poplar Creek; in Panola County the precincts of East  
642 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North



643 Springport, South Springport, Eureka, Williamson, East Batesville  
644 4, West Batesville 4, Fern Hill, North Batesville A, East  
645 Batesville 5 and West Batesville 5; and in Tallahatchie County the  
646 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,  
647 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,  
648 Murphreesboro and Rosebloom.

649         **SECOND DISTRICT.** The Second Court of Appeals District shall  
650 be composed of the following counties and portions of counties:  
651 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,  
652 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,  
653 Tunica, Warren, Washington and Yazoo; in Attala County the  
654 precincts of Northeast, Hesterville, Possomneck, North Central,  
655 McAdams, Newport, Sallis and Southwest; that portion of Grenada  
656 County not included in the First Court of Appeals District; in  
657 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,  
658 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,  
659 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,  
660 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the  
661 precincts of Conway, West Carthage, Wiggins, Thomastown and  
662 Ofahoma; in Madison County the precincts of Farmhaven, Canton  
663 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,  
664 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,  
665 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,  
666 Canton Precinct 1 and Canton Precinct 4; that portion of  
667 Montgomery County not included in the First Court of Appeals



668 District; that portion of Panola County not included in the First  
669 Court of Appeals District; and that portion of Tallahatchie County  
670 not included in the First Court of Appeals District.

671 **THIRD DISTRICT.** The Third Court of Appeals District shall be  
672 composed of the following counties and portions of counties:  
673 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,  
674 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that  
675 portion of Attala County not included in the Second Court of  
676 Appeals District; in Jones County the precincts of Northwest High  
677 School, Shady Grove, Sharon, Erata, Glade, Myrick School,  
678 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,  
679 Antioch and Landrum; that portion of Leake County not included in  
680 the Second Court of Appeals District; that portion of Madison  
681 County not included in the Second Court of Appeals District; and  
682 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,  
683 Diamond, Chaparral, Matherville, Coit and Eucutta.

684 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall  
685 be composed of the following counties and portions of counties:  
686 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,  
687 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;  
688 that portion of Hinds County not included in the Second Court of  
689 Appeals District; and that portion of Jones county not included in  
690 the Third Court of Appeals District.

691 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be  
692 composed of the following counties and portions of counties:



693 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl  
694 River, Perry and Stone; and that portion of Wayne County not  
695 included in the Third Court of Appeals District.

696 (b) The boundaries of the Court of Appeals Districts  
697 described in paragraph (a) of this subsection shall be the  
698 boundaries of the counties and precincts listed in paragraph (a)  
699 of this subsection as such boundaries existed on October 1, 1990.

700 **SECTION 22.** Section 9-4-15, Mississippi Code of 1972, is  
701 brought forward as follows:

702 9-4-15. General elections for the office of judge of the  
703 Court of Appeals shall be held at the same times as general  
704 elections for congressional offices.

705 **SECTION 23.** Section 9-9-5, Mississippi Code of 1972, is  
706 brought forward as follows:

707 9-9-5. (1) The county judge shall possess all of the  
708 qualifications of a circuit judge as prescribed by the Mississippi  
709 Constitution. In the event of the establishment of a county court  
710 by agreement between two (2) or more counties as provided in  
711 Section 9-9-3, the judge of said court may be a qualified elector  
712 of any one (1) of said counties, and shall have such other  
713 qualifications as provided for by law. The county judge shall be  
714 elected by the qualified electors of his county at the time and in  
715 the manner as circuit judges are elected and he shall hold office  
716 for the same term. Vacancies in the office of county judge shall



717 be filled in the same manner as vacancies in the office of circuit  
718 judge.

719 (2) Provided, however, that in any county having a total  
720 population in excess of eleven thousand (11,000) according to the  
721 1970 federal decennial census and a total assessed valuation of  
722 real and personal property of not less than Sixteen Million  
723 Dollars (\$16,000,000.00) and not more than Seventeen Million  
724 Dollars (\$17,000,000.00) and in which Mississippi Highway 4 and  
725 United States Highway 61 intersect, in which there is a vacancy in  
726 the post of county judge resulting from the failure of a candidate  
727 to qualify for that post, the board of supervisors of such county  
728 may, upon certification of such vacancy to the board, appoint a  
729 county judge to serve out the term so vacated who shall be a  
730 licensed attorney from such county or an adjoining county. The  
731 compensation of such attorney shall be the same he would have  
732 otherwise received if elected.

733 (3) In the event that any county wherein is located a state  
734 hospital and wherein U.S. Highway 80 and Mississippi Highway 43  
735 intersect shall establish a county court, the county judge of such  
736 county shall be elected at the general election to be held on  
737 Tuesday after the first Monday of November 1982, after qualifying  
738 therefor as provided by law. Provided, however, that the board of  
739 supervisors of such county may appoint a county judge who shall be  
740 a licensed attorney from such county until the office of county  
741 judge shall be filled pursuant to said election.



742           **SECTION 24.** Section 37-5-1, Mississippi Code of 1972, is  
743 brought forward as follows:

744           37-5-1. (1) There is hereby established a county board of  
745 education in each county of the State of Mississippi. Said county  
746 board of education shall consist of five (5) members, one (1) of  
747 which, subject to the further provisions of this chapter and  
748 except as is otherwise provided in Section 37-5-1(2), shall be  
749 elected by the qualified electors of each board of education  
750 district of the county. Except as is otherwise provided in  
751 Section 37-5-3, each member so elected shall be a resident and  
752 qualified elector of the district from which he is elected.

753           (2) The county board of education shall apportion the county  
754 school district into five (5) single member board of education  
755 districts. The county board of education shall place upon its  
756 minutes the boundaries determined for the new five (5) board of  
757 education districts. The board of education of said county shall  
758 thereafter publish the same in some newspaper of general  
759 circulation within said county for at least three (3) consecutive  
760 weeks and after having given notice of publication and recording  
761 the same upon the minutes of the board of education of said  
762 county, said new district lines will thereafter be effective. The  
763 board of education of said county shall reapportion the board of  
764 education districts in accordance with the procedure described  
765 herein for the original apportionment of districts as soon as  
766 practicable after the results of the 2000 decennial census are



767 published and as soon as practicable after every decennial census  
768 thereafter.

769 (3) In counties where the office of "administrative  
770 superintendent" as defined in Section 37-6-3, Mississippi Code of  
771 1972, has been abolished, there shall be no county board of  
772 education.

773 **SECTION 25.** Section 37-7-306, Mississippi Code of 1972, is  
774 brought forward as follows:

775 37-7-306. (1) Every school board member selected after July  
776 1, 2002, shall have a high school diploma or its equivalent.

777 (2) Every school board member selected after July 1, 1993,  
778 shall be required to complete a basic course of training and  
779 education for local school board members, in order for board  
780 members to carry out their duties more effectively and be exposed  
781 to new ideas involving school restructuring. Such basic course of  
782 training shall be conducted by the Mississippi School Boards  
783 Association. Upon completion of the basic course of training, the  
784 Mississippi School Boards Association shall file a certificate of  
785 completion for the school board member with the office of the  
786 local school board. In the event that a board member fails to  
787 complete such training within six (6) months of his selection,  
788 such board member shall no longer be qualified to serve and shall  
789 be removed from office.

790 (3) In addition to meeting the requirements of subsection  
791 (2) of this section, after taking office, each school board member





792 shall be required to file annually in the office of the school  
793 board a certificate of completion of a course of continuing  
794 education conducted by the Mississippi School Boards Association.  
795 In addition, those board members required to attend the additional  
796 training as provided in Section 37-3-4(5)(c) shall be required to  
797 comply with the annual certification provided herein for such  
798 additional training.

799 (4) Every school board member selected after July 1, 2002,  
800 shall spend at least one (1) full day in a school in the district  
801 they represent, without compensation.

802 (5) Upon the failure of any local school board member to  
803 file with the school board the certificate of completion of the  
804 basic or continuing course of training as provided in subsection  
805 (2) or (3) of this section, or the additional training as required  
806 in Section 37-3-4(5)(c), the school board member shall be removed  
807 from office by the Attorney General. In the event of a medical or  
808 other catastrophic hardship that prevents such school board member  
809 from obtaining the required training or filing such certificate,  
810 as may be defined by the Board of Directors of the Mississippi  
811 School Boards Association by rule and regulation, an additional  
812 period of three (3) months may be allowed to satisfy the  
813 requirements of subsection (2) or (3).

814 **SECTION 26.** Section 37-7-201, Mississippi Code of 1972, is  
815 brought forward as follows:



816           37-7-201. In order for a person to be eligible to hold the  
817 office of trustee of any school district, such person must be a  
818 bona fide resident and a qualified elector of such school  
819 district, and, in the case of a school district lying in two (2)  
820 or more counties, but not including municipal separate school  
821 districts, such person must be a bona fide resident and a  
822 qualified elector of the territory entitled to such representation  
823 on the board.

824           **SECTION 27.** Section 37-7-203, Mississippi Code of 1972, is  
825 brought forward as follows:

826           37-7-203. (1) Except as otherwise provided in subsections  
827 (3) and (4) of this section, the boards of trustees of all  
828 municipal separate school districts created under this chapter,  
829 either with or without added territory, shall consist of five (5)  
830 members, each to be chosen for a term of five (5) years, but so  
831 chosen that the term of office of one (1) member shall expire each  
832 year. In the event the added territory of a municipal separate  
833 school district furnishes fifteen percent (15%) or more of the  
834 pupils enrolled in the schools of such district, then at least one  
835 (1) member of the board of trustees of such school district shall  
836 be a resident of the added territory outside the corporate limits.  
837 In the event the added territory of a municipal separate school  
838 district furnishes thirty percent (30%) or more of the pupils  
839 enrolled in the schools of such district, then not more than two  
840 (2) members of the board of trustees of such school district shall



841 be residents of the added territory outside the corporate limits.  
842 In the event the added territory of a municipal separate school  
843 district in a county in which Mississippi Highways 8 and 15  
844 intersect furnishes thirty percent (30%) or more of the pupils  
845 enrolled in the schools of such district, then the five (5)  
846 members of the board of trustees of such school district shall be  
847 elected at large from such school district for a term of five (5)  
848 years each except that the two (2) elected trustees presently  
849 serving on such board shall continue to serve for their respective  
850 terms of office. The three (3) appointed trustees presently  
851 serving on such board shall continue to serve until their  
852 successors are elected in March of 1975 in the manner provided for  
853 in Section 37-7-215. At such election, one (1) trustee shall be  
854 elected for a term of two (2) years, one (1) for a term of three  
855 (3) years and one (1) for a term of five (5) years. Subsequent  
856 terms for each successor trustee shall be for five (5) years. In  
857 the event one (1) of two (2) municipal separate school districts  
858 located in any county with two (2) judicial districts, District 1  
859 being comprised of Supervisors Districts 1, 2, 4 and 5, and  
860 District 2 being comprised of Supervisors District 3, with added  
861 territory embraces three (3) full supervisors districts of a  
862 county, one (1) trustee shall be elected from each of the three  
863 (3) supervisors districts outside the corporate limits of the  
864 municipality. In the further event that the territory of a  
865 municipal separate school district located in any county with two



866 (2) judicial districts, District 1 being comprised of Supervisors  
867 Districts 1, 2, 4 and 5, and District 2 being comprised of  
868 Supervisors District 3, with added territory embraces four (4)  
869 full supervisors districts in the county, and in any county in  
870 which a municipal separate school district embraces the entire  
871 county in which Highways 14 and 15 intersect, one (1) trustee  
872 shall be elected from each supervisors district.

873 Except as otherwise provided herein, the trustees of such a  
874 municipal separate school district shall be elected by a majority  
875 of the governing authorities of the municipality at the first  
876 meeting of the governing authorities held in the month of February  
877 of each year, and the term of office of the member so elected  
878 shall commence on the first Saturday of March following. In the  
879 case of a member of the board of trustees who is required to come  
880 from the added territory outside the corporate limits as is above  
881 provided, such member of the board of trustees shall be elected by  
882 the qualified electors of the school district residing in such  
883 added territory outside the corporate limits at the same time and  
884 in the same manner as is otherwise provided in this article for  
885 the election of trustees of school districts other than municipal  
886 separate school districts.

887 In the event that a portion of a county school district is  
888 reconstituted, in the manner provided by law, into a municipal  
889 separate school district with added territory and in the event  
890 that the trustees to be elected from the added territory are



891 requested to be elected from separate election districts within  
892 the added territory, instead of elected at large, by the Attorney  
893 General of the United States as a result of and pursuant to  
894 preclearance under Section 5 of the Voting Rights Act of 1965, as  
895 amended and extended, and in the event the added territory of a  
896 municipal separate school district of a municipality furnishes  
897 thirty percent (30%) or more of the pupils enrolled in the schools  
898 of such district, then two (2) members of the board of trustees  
899 shall be residents of the added territory outside the corporate  
900 limits of such municipality and shall be elected from special  
901 trustee election districts by the qualified electors thereof as  
902 herein provided. The board of trustees of the school district  
903 shall apportion the added territory into two (2) special trustee  
904 election districts as nearly as possible according to population  
905 and other factors heretofore pronounced by the courts. The board  
906 of trustees of the school district shall thereafter publish the  
907 same in a newspaper of general circulation within that school  
908 district for at least two (2) consecutive weeks; and after having  
909 given notice of publication and recording the same upon the  
910 minutes of the board of trustees of the school district, the new  
911 district lines shall thereafter be effective. Any person elected  
912 from the new trustee election districts constituted herein shall  
913 be elected in the manner provided for in Section 37-7-215 for a  
914 term of five (5) years. Any vacancy in the office of a trustee  
915 elected from such trustee election district, whether occasioned by



916 redistricting or by other cause, shall be filled by appointment of  
917 the governing authorities of the municipality, provided that the  
918 person so appointed shall serve only until the next general  
919 election following his appointment, at which time a person shall  
920 be elected for the remainder of the unexpired term in the manner  
921 provided in Section 37-7-215.

922         In any county organizing a countywide municipal separate  
923 school district after January 1, 1965, the trustees thereof to be  
924 elected from outside the municipality, such trustees shall be  
925 elected by the board of supervisors of such county, and the  
926 superintendent of such school district shall have authority to pay  
927 out and distribute the funds of the district. In the event a  
928 municipal separate school district should occupy territory in a  
929 county other than that in which the municipality is located and  
930 fifteen percent (15%) or more of the pupils enrolled in the  
931 schools of such district shall come from the territory of the  
932 district in the county other than that in which the municipality  
933 is located, the territory of such county in which the municipality  
934 is not located shall be entitled to one (1) member on the board of  
935 trustees of such school district. The trustee shall be a resident  
936 of the territory of that part of the district lying in the county  
937 in which the municipality is not located and shall be elected by  
938 the qualified electors of the territory of such county at the same  
939 time and in the same manner as is provided for the election of



940 trustees of school districts other than municipal separate school  
941 districts having territory in two (2) or more counties.

942 All vacancies shall be filled for the unexpired terms by  
943 appointment of the governing authorities of the municipality;  
944 except that in the case of the trustees coming from the added  
945 territory outside the corporate limits, the person so appointed  
946 shall serve only until the next general election following his  
947 appointment, at which time a person shall be elected for the  
948 remainder of the unexpired term in the manner otherwise provided  
949 herein.

950 No person who is a member of such governing body, or who is  
951 an employee of the municipality, or who is a member of the county  
952 board of education, or who is a trustee of any public, private or  
953 sectarian school or college located in the county, inclusive of  
954 the municipal separate school district, or who is a teacher in or  
955 a trustee of the school district, shall be eligible for  
956 appointment to the board of trustees.

957 (2) In counties of less than fifteen thousand (15,000)  
958 people having a municipal separate school district with added  
959 territory which embraces all the territory of a county, one or  
960 more trustees of the school district shall be nominated from each  
961 supervisors district upon petition of fifty (50) qualified  
962 electors of that supervisors district, or twenty percent (20%) of  
963 the qualified electors of such district, whichever number shall be  
964 smaller. One (1) trustee must be elected from each supervisors



965 district of the county. In such counties embraced entirely by a  
966 municipal separate school district, there shall be no county board  
967 of education after the formation of such district, and the county  
968 superintendent of education shall act as superintendent of schools  
969 of the district and shall be appointed by the board of trustees of  
970 that district, and the provisions of subsection (1) of this  
971 section and the first paragraph of Section 37-7-211 shall not  
972 apply to such districts.

973 (3) In municipalities designated as having a mayor-council  
974 form of government under Chapter 8, Title 21, Mississippi Code of  
975 1972, and having a population in excess of one hundred thousand  
976 (100,000) according to the 2000 federal decennial census, the  
977 boards of trustees of the municipal separate school district  
978 located in the municipality may, if authorized by ordinance of the  
979 municipal governing authority, consist of seven (7) members  
980 residing in each of the seven (7) wards in the municipality, to be  
981 appointed by the mayor and confirmed by the city council as  
982 follows: (a) each board member shall reside in the ward from  
983 which he is appointed; (b) members serving on March 31, 2010,  
984 shall continue to serve until a new term commences and new members  
985 shall be selected from wards not currently represented on the  
986 board; (c) one (1) of the two (2) additional appointments shall  
987 serve a term of five (5) years and one (1) for a term of four (4)  
988 years, with all subsequent appointments for a five-year term; and  
989 (d) each new appointment shall be made by the mayor and confirmed





990 by the city council of the municipality at the first meeting of  
991 the governing authorities held in the month of June following  
992 March 31, 2010, and thereafter each year, and the term of office  
993 of each member so selected shall commence on the first Saturday of  
994 July following.

995 (4) (a) Beginning in 2017, in any municipal separate school  
996 district that is traversed by the Escatawpa River and in which  
997 Interstate Highway 10 and Mississippi Highway 63 intersect, the  
998 board of trustees of the municipal separate school district shall  
999 consist of five (5) members, each to be elected for a term of four  
1000 (4) years in the manner provided in this subsection. Within  
1001 forty-five (45) days after July 1, 2017, the municipal governing  
1002 authority shall apportion the municipal separate school district,  
1003 including any added territory outside the corporate limits, into  
1004 five (5) special trustee election districts as nearly equal as  
1005 possible according to population, incumbency and other factors  
1006 pronounced by the courts before August 8, 2017. The municipal  
1007 governing authority shall place upon its minutes the boundaries  
1008 determined for the new five (5) trustee election districts and  
1009 shall publish the same in a newspaper of general circulation  
1010 within the school district for at least three (3) consecutive  
1011 weeks. After having given notice of publication and recording the  
1012 same upon the minutes of the municipal governing authority, the  
1013 new district lines shall be effective.



1014           (b) On the first Tuesday after the first Monday in  
1015 November 2017, and every four (4) years thereafter, an election  
1016 shall be held in the municipal separate school district for local  
1017 school board members from trustee election districts 1, 3 and 5 in  
1018 the same manner and at the same time as the general municipal  
1019 election is held and conducted, for the purpose of electing the  
1020 board of trustees of the municipal separate school district. All  
1021 members of the board of trustees elected pursuant to this  
1022 paragraph (b) shall take office on the first Monday of January  
1023 immediately following the date of their election. However, in  
1024 order to provide for an orderly transition, the term of each  
1025 member of the board of trustees serving on July 1, 2017, which  
1026 otherwise would expire after the first Monday in July 2018, shall  
1027 expire on the first Monday of January 2018. If no individual  
1028 qualifies for the elective office of school district trustee, the  
1029 trustee for that specific trustee district shall be filled by  
1030 appointment of the municipal governing authority; however, the  
1031 person so appointed to fill the vacancy may serve only until the  
1032 first Monday in January 2019, at which time the trustee elected  
1033 pursuant to this subsection shall take office for the remainder of  
1034 the unexpired initial term.

1035           From and after January 1, 2018, any vacancy on the board of  
1036 trustees shall be filled by appointment by the remaining members  
1037 of the board of trustees within sixty (60) days after the vacancy  
1038 occurs. The appointee must be selected from the qualified



1039 electors of the trustee election district in which the vacancy  
1040 occurs. The appointee shall serve until the first Monday of  
1041 January succeeding the next general municipal election, at which  
1042 election a member from that trustee election district shall be  
1043 elected for a full term.

1044 (c) On the first Tuesday after the first Monday in  
1045 November 2018, and every four (4) years thereafter, an election  
1046 shall be held in the municipal separate school district for local  
1047 school board members from trustee election districts 2 and 4 in  
1048 the same manner and at the same time as the Congressional mid-term  
1049 election is held and conducted, for the purpose of electing the  
1050 board of trustees of the municipal separate school district. All  
1051 members of the board of trustees elected pursuant to this  
1052 paragraph (c) shall take office on the first Monday of January  
1053 immediately following the date of their election. However, in  
1054 order to provide for an orderly transition, the term of each  
1055 member of the board of trustees serving on July 1, 2018, which  
1056 otherwise would expire after the first Monday in July 2018, shall  
1057 expire on the first Monday of January 2019. If no individual  
1058 qualifies for the elective office of school district trustee, the  
1059 trustee for that specific trustee district shall be filled by  
1060 appointment of the municipal governing authority; however, the  
1061 person so appointed to fill the vacancy may serve only until the  
1062 first Monday in January 2020, at which time the trustee elected



1063 pursuant to this subsection shall take office for the remainder of  
1064 the unexpired initial term.

1065 From and after July 1, 2020, any vacancy on the board of  
1066 trustees shall be filled by appointment by the remaining members  
1067 of the board of trustees within sixty (60) days after the vacancy  
1068 occurs. The appointee must be selected from the qualified  
1069 electors of the trustee election district in which the vacancy  
1070 occurs. The appointee shall serve until the first Monday of July  
1071 succeeding the next general municipal election, at which election  
1072 a member from that trustee election district shall be elected for  
1073 a full term.

1074 **SECTION 28.** Section 37-5-7, Mississippi Code of 1972, is  
1075 amended as follows:

1076 37-5-7. (1) On the first Tuesday after the first Monday in  
1077 May, 1954, an election shall be held in each county in this state  
1078 in the same manner as general state and county elections are held  
1079 and conducted, which election shall be held for the purpose of  
1080 electing the county boards of education established under the  
1081 provisions of this chapter. At such election, the members of the  
1082 said board from Supervisors Districts One and Two shall be elected  
1083 for the term expiring on the first Monday of January, 1957;  
1084 members of the board from Supervisors Districts Three and Four  
1085 shall be elected for a term expiring on the first Monday of  
1086 January, 1959; and the member of the board from Supervisors  
1087 District Five shall be elected for a term expiring on the first



1088 Monday of January, 1955. Except as otherwise provided in  
1089 subsection (2), all subsequent members of the board shall be  
1090 elected for a term of six (6) years at the regular general  
1091 election held on the first Monday in November next preceding the  
1092 expiration of the term of office of the respective member or  
1093 members of such board. All members of the county board of  
1094 education as herein constituted, shall take office on the first  
1095 Monday of January following the date of their election.

1096 (2) On the first Tuesday after the first Monday in November,  
1097 in any year in which any county shall elect to utilize the  
1098 authority contained in Section 37-5-1(2), an election shall be  
1099 held in each such county in this state for the purpose of electing  
1100 the county boards of education in such counties. At said election  
1101 the members of the said county board of education from Districts  
1102 One and Two shall be elected for a term of four (4) years, the  
1103 members from Districts Three and Four shall be elected for a term  
1104 of six (6) years, and the member from District Five shall be  
1105 elected for a term of two (2) years. Thereafter, members shall be  
1106 elected at general elections as vacancies occur for terms of six  
1107 (6) years each. All members of the county board of education  
1108 shall take office on the first Monday of January following the  
1109 date of their election.

1110 (3) (a) Current members of the Board of Trustees of the  
1111 Greenwood Public School District serving on November 1, 2017,  
1112 shall continue in office as the new County Board of Education of



1113 the Greenwood-Leflore School District until their successors are  
1114 elected as follows:

1115           (i) The two (2) appointed board members of the  
1116 Greenwood Public School District whose terms are nearest to  
1117 expiration shall expire on January 1, 2019, and thereafter become  
1118 permanently elected positions to be filled by persons elected as  
1119 board members from Supervisors Districts 2 and 3 in a November  
1120 2018 election held for that purpose, in the manner prescribed in  
1121 Section 37-7-203, and the newly elected members will take office  
1122 on January 1, 2019, for a term of four (4) years;

1123           (ii) The final two (2) appointed board members of  
1124 the Greenwood Public School District whose terms are the farthest  
1125 removed from expiration shall expire on January 1, 2020, and  
1126 thereafter become permanently elected positions to be filled by  
1127 persons elected as board members from Supervisors Districts 4 and  
1128 5 in a November 2019 election held for that purpose, in the manner  
1129 prescribed in Section 37-7-203, and the newly elected members will  
1130 take office on January 1, 2020, for a term of four (4) years; and

1131           (iii) One (1) appointed board member of the  
1132 Greenwood Public School District whose term is next nearest to  
1133 expiration shall expire on January 1, 2021, and thereafter become  
1134 a permanently elected position to be filled by a person elected as  
1135 a board member from Supervisors District 1 in a November 2020  
1136 election held for that purpose, in the manner prescribed in



1137 Section 37-7-203, and the newly elected members will take office  
1138 on January 1, 2021, for a term of four (4) years.

1139 (b) All subsequent members shall be elected for a term  
1140 of four (4) years at the regular general election held on the  
1141 first Monday in November next preceding the expiration of the term  
1142 of office of the respective members, and shall take office on  
1143 January 1 next succeeding the election.

1144 (4) On the first Tuesday after the first Monday in November  
1145 2017, an election shall be held in Holmes County for the purpose  
1146 of electing the county board of education in the new Holmes County  
1147 Consolidated School District. At the election, the members of the  
1148 said county board of education shall be elected from single member  
1149 board of education districts, which shall be consistent with the  
1150 supervisors district lines in the county, and shall be elected for  
1151 an initial term of six (6) years. Subsequent elections for the  
1152 Holmes County Board of Education shall be held on the first  
1153 Tuesday after the first Monday in November 2023 and every four (4)  
1154 years thereafter at the same time and manner as other general  
1155 elections are held, and the member shall be elected for a term of  
1156 four (4) years. All members of the county board of education in  
1157 the new Holmes County Consolidated School District shall take  
1158 office on the first Monday of January following the date of their  
1159 election.

1160 (5) On the first Tuesday after the first Monday in November  
1161 2023, an election shall be held in Chickasaw County for the



1162 purpose of electing the county board of education in the new  
1163 Chickasaw County School District. The board of supervisors shall  
1164 declare and designate posts for each member of the new board. At  
1165 said election, the members of the said county board of education  
1166 from Posts One and Two shall be elected for a term of four (4)  
1167 years, the members from Posts Three and Four shall be elected for  
1168 a term of three (3) years and the member from Post Five shall be  
1169 elected for a term of two (2) years. Thereafter, members shall be  
1170 elected at general elections as vacancies occur for terms of four  
1171 (4) years each. All members of the county board of education in  
1172 the new Chickasaw County School District shall take office on the  
1173 first Monday of January following the date of their election.

1174 **SECTION 29.** Section 37-7-223, Mississippi Code of 1972, is  
1175 brought forward as follows:

1176 37-7-223. All elections of consolidated or consolidated line  
1177 school district trustees shall be held on the first Tuesday after  
1178 the first Monday in November of each year in the same manner as  
1179 general state and county elections are held and conducted.

1180 **SECTION 30.** Section 37-7-207, Mississippi Code of 1972, is  
1181 brought forward as follows:

1182 37-7-207. (1) All school districts reconstituted or created  
1183 under the provisions of Article 1 of this chapter, and which lie  
1184 wholly within one (1) county, but not including municipal separate  
1185 and countywide districts, shall be governed by a board of five (5)  
1186 trustees. The first board of trustees of such districts shall be





1187 appointed by the county board of education, and the original  
1188 appointments shall be so made that one (1) trustee shall be  
1189 appointed to serve until the first Saturday of March following  
1190 such appointments, one (1) for one (1) year longer, one (1) for  
1191 two (2) years longer, one (1) for three (3) years longer, and one  
1192 (1) for four (4) years longer. After such original appointments,  
1193 the trustees of such school districts shall be elected by the  
1194 qualified electors of such school districts in the manner provided  
1195 for in Sections 37-7-223 through 37-7-229, with each trustee to be  
1196 elected for a term of five (5) years. The five (5) members of the  
1197 board of trustees of such consolidated school district shall be  
1198 elected from special trustee election districts by the qualified  
1199 electors thereof, as herein provided. The board of trustees of  
1200 any such consolidated school district shall apportion the  
1201 consolidated school district into five (5) special trustee  
1202 election districts. The board of trustees of such school district  
1203 shall place upon its minutes the boundaries determined for the new  
1204 five (5) trustee election districts. The board of trustees shall  
1205 thereafter publish the same in a newspaper of general circulation  
1206 within said school district for at least three (3) consecutive  
1207 weeks; and after having given notice of publication and recording  
1208 the same upon the minutes of the board of trustees, said new  
1209 district lines shall thereafter be effective.

1210 On the first Tuesday after the first Monday in November, in  
1211 any year in which any consolidated school district shall elect to



1212 utilize the authority to create single member election districts,  
1213 an election shall be held in each such district in this state for  
1214 the purpose of electing the board of trustees of such district.  
1215 At said election the member of the said board from District One  
1216 shall be elected for a term of one (1) year, the member from  
1217 District Two shall be elected for a term of two (2) years, the  
1218 member from District Three shall be elected for a term of three  
1219 (3) years, the member from District Four shall be elected for a  
1220 term of four (4) years, and the member from District Five shall be  
1221 elected for a term of five (5) years. Thereafter, members shall  
1222 be elected at general elections as vacancies occur for terms of  
1223 five (5) years each. Trustees elected from single member election  
1224 districts as provided above shall otherwise be elected as provided  
1225 for in Sections 37-7-223 through 37-7-229. All members of the  
1226 said board of trustees shall take office on the first Monday of  
1227 January following the date of their election. All vacancies which  
1228 may occur during a term shall be filled by appointment of the  
1229 consolidated school district trustees, but the person so appointed  
1230 shall serve only until the next general election following such  
1231 appointment, at which time a person shall be elected for the  
1232 remainder of the unexpired term at the same time and in the same  
1233 manner as a trustee is elected for the full term then expiring.  
1234 The person so elected to the unexpired term shall take office  
1235 immediately. Said appointee shall be selected from the qualified  
1236 electors of the district in which the vacancy occurs. In the



1237 event the school district is under conservatorship and no members  
1238 of the board of trustees remain in office, the Governor shall call  
1239 a special election to fill the vacancies and the said election  
1240 will be conducted by the county election commission.

1241 (2) All school districts reconstituted and created under the  
1242 provisions of Article 1 of this chapter, which embrace territory  
1243 in two (2) or more counties, but not including municipal separate  
1244 school districts, shall be governed by a board of five (5)  
1245 trustees. In making the original appointments, the several county  
1246 boards of education shall appoint the trustee or trustees to which  
1247 the territory in such county is entitled, and, by agreement  
1248 between the county boards concerned, one (1) person shall be  
1249 appointed to serve until the first Saturday of March following,  
1250 one (1) for one (1) year longer, one (1) for two (2) years longer,  
1251 one (1) for three (3) years longer and one (1) for four (4) years  
1252 longer. Thereafter, such trustees shall be elected as is provided  
1253 for in Sections 37-7-223 through 37-7-229, for a term of five (5)  
1254 years. The five (5) members of the board of trustees of such line  
1255 consolidated school district shall be elected from special trustee  
1256 election districts by the qualified electors thereof, as herein  
1257 provided. The existing board of trustees of such line  
1258 consolidated school district shall apportion the line consolidated  
1259 school district into five (5) special trustee election districts.  
1260 The board of trustees shall place upon its minutes the boundaries  
1261 determined for the new five (5) trustee election districts. The



1262 board of trustees shall thereafter publish the same in a newspaper  
1263 of general circulation within said school district for at least  
1264 three (3) consecutive weeks; and after having given notice of  
1265 publication and recording the same upon the minutes of the board  
1266 of trustees, said new district lines shall thereafter be  
1267 effective. Provided, however, that in any line consolidated  
1268 school district encompassing two (2) or more counties created  
1269 pursuant to Laws, 1953, Extraordinary Session, Chapter 12, Section  
1270 8, in which, as a condition precedent to the creation of said  
1271 district, each county belonging thereto was contractually  
1272 guaranteed to always have at least one (1) representative on said  
1273 board, in order that said condition precedent may be honored and  
1274 guaranteed, in any year in which the board of trustees of such  
1275 line consolidated school district does not have at least one (1)  
1276 member from each county or part thereof forming such district, the  
1277 board of trustees in such district shall be governed by a board of  
1278 a sufficient number of trustees to fulfill this guarantee, five  
1279 (5) of whom shall be elected from the five (5) special trustee  
1280 election districts which shall be as nearly equal as possible and  
1281 one (1) member trustee appointed at large from each county not  
1282 having representation on the elected board. In such cases, the  
1283 board of supervisors of each county shall make written agreement  
1284 to guarantee the manner of appointment of at least one (1)  
1285 representative from each county in the district, placing such



1286 written agreement on the minutes of each board of supervisors in  
1287 each county.

1288         On the first Tuesday after the first Monday in November, in  
1289 any year in which any line consolidated school district shall  
1290 elect to utilize the authority to create single member election  
1291 districts, an election shall be held in each such district in this  
1292 state for the purpose of electing the board of trustees of such  
1293 district. At said election the member of the said board from  
1294 District One shall be elected for a term of one (1) year, the  
1295 member from District Two shall be elected for a term of two (2)  
1296 years, the member from District Three shall be elected for a term  
1297 of three (3) years, the member from District Four shall be elected  
1298 for a term of four (4) years, and the member from District Five  
1299 shall be elected for a term of five (5) years. Thereafter,  
1300 members shall be elected at general elections as vacancies occur  
1301 for terms of five (5) years each. Trustees elected from single  
1302 member election districts as provided above shall otherwise be  
1303 elected as provided for in Sections 37-7-223 through 37-7-229.  
1304 All members of the said board of trustees shall take office on the  
1305 first Monday of January following the date of their election. In  
1306 all elections, the trustee elected shall be a resident and  
1307 qualified elector of the district entitled to the representation  
1308 upon the board, and he shall be elected only by the qualified  
1309 electors of such district. All vacancies which may occur during a  
1310 term of office shall be filled by appointment of the consolidated



1311 line school district trustees, but the person so appointed shall  
1312 serve only until the next general election following such  
1313 appointment, at which time a person shall be elected for the  
1314 remainder of the unexpired term at the same time and in the same  
1315 manner as the trustee is elected for the full term then expiring.  
1316 The person so elected to the unexpired term shall take office  
1317 immediately. In the event the school district is under  
1318 conservatorship and no members of the board of trustees remain in  
1319 office, the Governor shall call a special election to fill the  
1320 vacancies and the said election will be conducted by the county  
1321 election commission.

1322           **SECTION 31.** This act shall take effect and be in force from  
1323 and after July 1, 2024.

