

By: Representatives Eads, Chism

To: Education; Apportionment  
and Elections

## HOUSE BILL NO. 1438

1 AN ACT TO REQUIRE THE ELECTION OF ALL SCHOOL BOARD MEMBERS IN  
 2 ALL SCHOOL DISTRICTS; TO AMEND SECTIONS 37-7-203 AND 37-7-703,  
 3 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ELECTION OF THE  
 4 MEMBERS OF SCHOOL BOARDS OF MUNICIPAL SEPARATE SCHOOL DISTRICTS  
 5 AND SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS FROM SCHOOL BOARD  
 6 MEMBER DISTRICTS BY THE QUALIFIED ELECTORS OF SUCH DISTRICTS, TO  
 7 DIRECT THE MUNICIPAL GOVERNING AUTHORITIES TO APPORTION THE SCHOOL  
 8 DISTRICTS INTO FIVE SCHOOL BOARD MEMBER DISTRICTS, TO ESTABLISH AN  
 9 ELECTION SCHEDULE IN ORDER TO PROVIDE FOR AN ORDERLY TRANSITION IN  
 10 THE MEMBERSHIP OF SCHOOL BOARDS FROM APPOINTED TO ELECTED MEMBERS,  
 11 AND TO PRESCRIBE THE TIME AND MANNER OF SUCH ELECTIONS AND THE  
 12 MANNER IN WHICH VACANCIES ON THE SCHOOL BOARDS SHALL BE FILLED; TO  
 13 AMEND SECTIONS 37-7-201 AND 37-7-221, MISSISSIPPI CODE OF 1972, IN  
 14 CONFORMITY THERETO; TO REPEAL SECTION 37-7-204, MISSISSIPPI CODE  
 15 OF 1972, WHICH PROVIDES FOR THE APPOINTMENT OF INTERIM BOARD  
 16 MEMBERS TO FILL CERTAIN VACANCIES ON THE SCHOOL BOARDS OF  
 17 COUNTYWIDE MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO REPEAL SECTIONS  
 18 37-7-209 THROUGH 37-7-219, MISSISSIPPI CODE OF 1972, WHICH PROVIDE  
 19 CERTAIN METHODS FOR ELECTING TRUSTEES FROM ADDED TERRITORY OF  
 20 MUNICIPAL SEPARATE SCHOOL DISTRICTS; TO REPEAL SECTIONS 37-7-705  
 21 THROUGH 37-7-717, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN  
 22 METHODS FOR SELECTING TRUSTEES OF SPECIAL MUNICIPAL SEPARATE  
 23 SCHOOL DISTRICTS; TO AMEND SECTION 37-9-13, MISSISSIPPI CODE OF  
 24 1972, TO PROVIDE FOR THE APPOINTMENT OF ALL SUPERINTENDENTS OF  
 25 SCHOOLS FROM AND AFTER JANUARY 1, 2004; TO AMEND SECTION 37-9-25,  
 26 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTION  
 27 37-9-12, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM  
 28 ON THE QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE  
 29 COUNTY SUPERINTENDENT OF EDUCATION; TO REPEAL, FROM AND AFTER  
 30 JANUARY 1, 2003, SECTIONS 37-5-61 THROUGH 37-5-75, MISSISSIPPI  
 31 CODE OF 1972, WHICH PROVIDE FOR THE ELECTION OF COUNTY  
 32 SUPERINTENDENTS OF EDUCATION; TO AMEND SECTION 23-15-297,  
 33 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
 34 PURPOSES.

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

36 SECTION 1. Section 37-7-203, Mississippi Code of 1972, is  
 37 amended as follows:

38 **[Until January 1, 2003, this section will read as follows:]**

39 37-7-203. (1) The boards of trustees of all municipal  
 40 separate school districts created under \* \* \* this chapter, either

41 with or without added territory, shall consist of five (5)  
42 members, each to be chosen for a term of five (5) years. However,  
43 in order to provide for an orderly transition in the membership of  
44 municipal separate school district boards of trustees from  
45 appointed members, or appointed and elected members, to elected  
46 members only, the terms of office of the school board members  
47 which expire in the years 2003, 2004, 2005, 2006 and 2007 shall be  
48 extended from March until the first Monday of July in the same  
49 year, at which time the respective member's duly elected successor  
50 shall take office. Each member of the board of trustees shall be  
51 chosen so that the term of office of one (1) member shall expire  
52 each year. In the event the added territory of a municipal  
53 separate school district furnishes fifteen percent (15%) or more  
54 of the pupils enrolled in the schools of such district, then at  
55 least one (1) member of the board of trustees of such school  
56 district shall be a resident of the added territory outside the  
57 corporate limits. In the event the added territory of a municipal  
58 separate school district furnishes thirty percent (30%) or more of  
59 the pupils enrolled in the schools of such district, then not more  
60 than two (2) members of the board of trustees of such school  
61 district shall be residents of the added territory outside the  
62 corporate limits. In the event the added territory of a municipal  
63 separate school district in a county in which Mississippi Highways  
64 8 and 15 intersect furnishes thirty percent (30%) or more of the  
65 pupils enrolled in the schools of such district, then the five (5)  
66 members of the board of trustees of such school district shall be  
67 elected at large from such school district for a term of five (5)  
68 years each except that the two (2) elected trustees presently  
69 serving on such board shall continue to serve for their respective  
70 terms of office. The three (3) appointed trustees presently  
71 serving on such board shall continue to serve until their  
72 successors are elected in March of 1975 in the manner provided for  
73 in Section 37-7-215. At such election, one (1) trustee shall be

74 elected for a term of two (2) years, one (1) for a term of three  
75 (3) years and one (1) for a term of five (5) years. Subsequent  
76 terms for each successor trustee shall be for five (5) years or  
77 for a term expiring on the first Monday of July if the term  
78 expires in the year 2003, 2004 , 2005, 2006 or 2007. In the event  
79 one (1) of two (2) municipal separate school districts located in  
80 any county with two (2) judicial districts, District 1 being  
81 comprised of Supervisors Districts 1, 2, 4 and 5, and District 2  
82 being comprised of Supervisors District 3, with added territory  
83 embraces three (3) full supervisors districts of a county, one (1)  
84 trustee shall be elected from each of the three (3) supervisors  
85 districts outside the corporate limits of the municipality. In  
86 the further event that the territory of a municipal separate  
87 school district located in any county with two (2) judicial  
88 districts, District 1 being comprised of Supervisors Districts 1,  
89 2, 4 and 5, and District 2 being comprised of Supervisors District  
90 3, with added territory embraces four (4) full supervisors  
91 districts in the county, and in any county in which a municipal  
92 separate school district embraces the entire county in which  
93 Highways 14 and 15 intersect, one (1) trustee shall be elected  
94 from each supervisors district.

95       Except as otherwise provided herein, the trustees of such a  
96 municipal separate school district shall be elected by a majority  
97 of the governing authorities of the municipality at the first  
98 meeting of the governing authorities held in the month of February  
99 of each year, and the term of office of the member so elected  
100 shall commence on the first Saturday of March following. In the  
101 case of a member of the board of trustees who is required to come  
102 from the added territory outside the corporate limits as is above  
103 provided, such member of the board of trustees shall be elected by  
104 the qualified electors of the school district residing in such  
105 added territory outside the corporate limits at the same time and  
106 in the same manner as is otherwise provided in this article for

107 the election of trustees of school districts other than municipal  
108 separate school districts.

109 In the event that a portion of a county school district is  
110 reconstituted, in the manner provided by law, into a municipal  
111 separate school district with added territory and in the event  
112 that the trustees to be elected from the added territory are  
113 requested to be elected from separate election districts within  
114 the added territory, instead of elected at-large, by the Attorney  
115 General of the United States as a result of and pursuant to  
116 preclearance under Section 5 of the Voting Rights Act of 1965 as  
117 amended and extended, and in the event the added territory of a  
118 municipal separate school district of a municipality furnishes  
119 thirty percent (30%) or more of the pupils enrolled in the schools  
120 of such district, then two (2) members of the board of trustees  
121 shall be residents of the added territory outside the corporate  
122 limits of such municipality and shall be elected from special  
123 trustee election districts by the qualified electors thereof as  
124 herein provided. The governing authorities of such municipality  
125 shall apportion the added territory into two (2) special trustee  
126 election districts as nearly equal as possible according to  
127 population and other factors heretofore pronounced by the courts.  
128 The governing authorities of such municipality shall thereafter  
129 publish the same in a newspaper of general circulation within the  
130 school district for at least two (2) consecutive weeks; and after  
131 having given notice of publication and recording the same upon the  
132 minutes of the governing authorities, the new district lines shall  
133 thereafter be effective. Any person elected from the new trustee  
134 election districts constituted herein shall be elected in the  
135 manner provided for in Section 37-7-215 for a term of five (5)  
136 years or for a term expiring on the first Monday of July if the  
137 term of office expires in the year 2003, 2004, 2005, 2006 or 2007.  
138 Any vacancy in the office of a trustee elected from such trustee  
139 election district, whether occasioned by redistricting or by other

140 cause, shall be filled by appointment of the governing authorities  
141 of the municipality, provided that the person so appointed shall  
142 serve only until the first Saturday of March following his  
143 appointment, at which time a person shall be elected for the  
144 remainder of the unexpired term in the manner provided in Section  
145 37-7-215.

146 In any county organizing a countywide municipal separate  
147 school district after January 1, 1965, the trustees thereof to be  
148 elected from outside the municipality, such trustees shall be  
149 elected by the board of supervisors of such county, and the  
150 superintendent of such school district shall have authority to pay  
151 out and distribute the funds of the district. In the event a  
152 municipal separate school district should occupy territory in a  
153 county other than that in which the municipality is located and  
154 fifteen percent (15%) or more of the pupils enrolled in the  
155 schools of such district shall come from the territory of the  
156 district in the county other than that in which the municipality  
157 is located, the territory of such county in which the municipality  
158 is not located shall be entitled to one (1) member on the board of  
159 trustees of such school district. The trustee shall be a resident  
160 of the territory of that part of the district lying in the county  
161 in which the municipality is not located and shall be elected by  
162 the qualified electors of the territory of such county at the same  
163 time and in the same manner as is provided for the election of  
164 trustees of school districts other than municipal separate school  
165 districts having territory in two (2) or more counties.

166 All vacancies shall be filled for the unexpired terms by  
167 appointment of the governing authorities of the municipality;  
168 except that in the case of the trustees coming from the added  
169 territory outside the corporate limits, the person so appointed  
170 shall serve only until the first Saturday of March following his  
171 appointment, at which time a person shall be elected for the

172 remainder of the unexpired term in the manner otherwise provided  
173 herein.

174 No person who is a member of such governing body, or who is  
175 an employee of the municipality, or who is a member of the county  
176 board of education, or who is a trustee of any public, private or  
177 sectarian school or college located in the county, inclusive of  
178 the municipal separate school district, or who is a teacher in or  
179 a trustee of the school district, shall be eligible for  
180 appointment to the board of trustees.

181 (2) In counties of less than fifteen thousand (15,000)  
182 people having a municipal separate school district with added  
183 territory which embraces all the territory of a county, one (1) or  
184 more trustees of such district shall be nominated from each  
185 supervisors district upon petition of fifty (50) qualified  
186 electors of the district, or twenty percent (20%) of the qualified  
187 electors of such district, whichever number shall be smaller, and  
188 shall be elected by a plurality of the vote of the qualified  
189 electors of the county. One (1) trustee so elected shall reside  
190 in each supervisors district of the county. In such counties  
191 embraced entirely by a municipal separate school district there  
192 shall be no county board of education after the formation of such  
193 district and the county superintendent of education shall act as  
194 superintendent of schools of the district and shall be appointed  
195 by the board of trustees of the district, and the provisions of  
196 subsection (1) of this section and the first paragraph of Section  
197 37-7-211 shall not apply to such districts.

198 **[From and after January 1, 2003, this section will read as**  
199 **follows:]**

200 37-7-203. (1) The school boards \* \* \* of all municipal  
201 separate school districts \* \* \* shall consist of five (5) members.  
202 Beginning in 2003, the members of the school board shall be  
203 elected from special school board member districts in the manner  
204 provided under this section.

205       (2) As soon as practicable after the results of the 2000  
206 federal decennial census are published, the municipal governing  
207 authority shall apportion the municipal separate school district,  
208 including any added territory, into five (5) single school board  
209 member districts. The school board member districts must be as  
210 nearly equal as possible according to population. The municipal  
211 governing authority shall submit the school board member district  
212 lines to the Attorney General of the United States for  
213 preclearance or to the United States District Court for the  
214 District of Columbia for a declaratory judgment in accordance with  
215 the provisions of the Voting Rights Act of 1965, as amended and  
216 extended. If the school board member district lines are  
217 precleared by the United States Department of Justice or approved  
218 by the United States District Court, the municipal governing  
219 authority and the school board of the municipal separate school  
220 district shall place upon their minutes the boundaries established  
221 for the five (5) school board member districts, and the school  
222 board shall publish the boundaries in a newspaper of general  
223 circulation within the school district for at least three (3)  
224 consecutive weeks. After having given notice of publication and  
225 recording the publication upon the minutes of the school board,  
226 the school board member district lines shall be effective. As  
227 soon as practicable after the results of the 2010 federal  
228 decennial census and every federal decennial census thereafter are  
229 published, the municipal governing authority shall reapportion the  
230 school board member districts in the manner prescribed in this  
231 subsection for the creation of the original districts.

232       (3) In order to provide for an orderly transition in the  
233 membership of municipal separate school boards from appointed  
234 members, or appointed and elected members, to elected members  
235 only, the following election schedule is established for all  
236 municipal separate school districts:

237           (a) On the first Tuesday after the first Monday in June  
238 2003, an election shall be held for the purpose of electing a  
239 member of the school board to succeed the member whose term of  
240 office expires on the first Monday of July 2003. The initial term  
241 of office of this elected member of the school board shall expire  
242 on the first Monday of July 2005.

243           (b) On the first Tuesday after the first Monday in June  
244 2004, an election shall be held for the purpose of electing a  
245 member of the school board to succeed the member whose term of  
246 office expires on the first Monday of July 2004. The initial term  
247 of office of this elected member of the school board shall expire  
248 on the first Monday of July 2005.

249           (c) At the general municipal election held on the first  
250 Tuesday after the first Monday in June 2005, an election shall be  
251 held for the purpose of electing a member of the school board to  
252 succeed the member whose term of office expires on the first  
253 Monday of July 2005 and for electing the successors to the members  
254 elected under paragraphs (a) and (b) of this subsection. The term  
255 of office of these elected members of the school board shall  
256 expire on the first Monday of July 2009.

257           (d) On the first Tuesday after the first Monday in June  
258 2006, an election shall be held for the purpose of electing a  
259 member of the school board to succeed the member whose term of  
260 office expires on the first Monday of July 2006. The initial term  
261 of office of this elected member of the school board shall expire  
262 on the first Monday of July 2009.

263           (e) On the first Tuesday after the first Monday in June  
264 2007, an election shall be held for the purpose of electing a  
265 member of the school board to succeed the member whose term of  
266 office expires on the first Monday of July 2007. The initial term  
267 of office of this elected member of the school board shall expire  
268 on the first Monday of July 2009.



269 Upon the expiration of the initial terms of office, all  
270 persons elected to serve on the school board of a municipal  
271 separate school district shall serve for a term of four (4) years.

272 On the first Tuesday after the first Monday in June 2009, and  
273 every four (4) years thereafter, the election of members of the  
274 school boards of municipal separate school districts shall be held  
275 in the same manner and at the same time as the general municipal  
276 elections are held.

277 (4) Candidates for the school board of the municipal  
278 separate school district shall file with the municipal election  
279 commissioners, not more than ninety (90) days and not less than  
280 sixty (60) days before the date of the election, a petition of  
281 nomination signed by at least fifty (50) or twenty percent (20%)  
282 of the qualified electors of the school board member district,  
283 whichever is less. The name of each qualified candidate shall be  
284 placed on the ballot. The election shall be held in the same  
285 manner as the general municipal elections are held. The candidate  
286 in each school board member district who receives a majority of  
287 the votes cast by the qualified electors in that district shall be  
288 elected. However, if no candidate receives a majority of the  
289 votes, a runoff election shall be held two (2) weeks after the  
290 election. The names of the candidate receiving the highest number  
291 of votes and the candidate, or candidates in the event of a tie,  
292 receiving the next highest vote for the office shall be placed on  
293 the ballot in the runoff election. The person receiving the  
294 highest number of votes cast by the qualified electors in the  
295 runoff election shall be elected. All persons elected to serve on  
296 the school board of the municipal separate school district shall  
297 take office on the first Monday of July next following the date of  
298 their election.

299 (5) Whenever there is a vacancy in the membership of the  
300 school board of the municipal separate school district, the  
301 vacancy shall be filled, depending upon the length of the

302 unexpired term of the vacated office, in the manner provided under  
303 this subsection.

304 (a) If the unexpired term of the vacated office is six  
305 (6) months or less, the remaining members of the school board  
306 shall appoint, within sixty (60) days after the vacancy occurs, a  
307 person to serve the unexpired portion of the term. The appointee  
308 shall be selected from the qualified electors of the school board  
309 member district in which the vacancy occurs. The chairman of the  
310 school board shall certify to the Secretary of State the fact of  
311 the appointment, and the Governor shall commission the person  
312 appointed.

313 (b) If the unexpired term of the vacated office is  
314 greater than six (6) months, an election shall be held to fill the  
315 vacancy. The school board shall certify in writing the fact of  
316 the vacancy to the governing authority of the municipality. At  
317 the next regular meeting of the governing authority after its  
318 receipt of certification of the vacancy from the school board, the  
319 governing authority shall make and enter on its minutes an order  
320 for an election to be held in the school board member district in  
321 which the vacancy exists and shall fix the date upon which the  
322 election shall be held, which date shall not be less than thirty  
323 (30) days nor more than forty-five (45) days after the date upon  
324 which the order is adopted.

325 The municipal clerk shall publish notice of the election in a  
326 newspaper of general circulation within the municipality once each  
327 week for three (3) successive weeks preceding the date of the  
328 election. The first notice must be published at least thirty (30)  
329 days before the date of the election. Notice also shall be given  
330 by the school board by posting a copy of the notice at three (3)  
331 public places in the school board member district in which the  
332 vacancy exists and at the administrative offices of the school  
333 board not less than twenty-one (21) days before the date of the  
334 election.

335 Candidates for the vacated office shall file with the  
336 municipal clerk, not less than ten (10) days before the date of  
337 the election, a petition of nomination signed by at least fifty  
338 (50) or twenty percent (20%) of the qualified electors of the  
339 school board member district, whichever is less. The election  
340 shall be held, as far as practicable, in the same manner as school  
341 board elections are conducted under this section. The candidate  
342 who receives a majority of the votes cast by the qualified  
343 electors in the school board member district shall be elected.  
344 However, if no candidate receives a majority of the votes, a  
345 runoff election shall be held two (2) weeks after the election.  
346 The names of the candidate receiving the highest number of votes  
347 and the candidate, or candidates in the event of a tie, receiving  
348 the next highest vote for the office shall be placed on the ballot  
349 in the runoff election. The person receiving the highest number  
350 of votes cast by the qualified electors in the runoff election  
351 shall be elected. The clerk of the municipal election commission  
352 shall give a certificate of election to the person elected and  
353 shall return to the Secretary of State a copy of the order of  
354 holding the election and its results, certified by the municipal  
355 clerk. The Governor shall commission the person elected to serve  
356 the remainder of the unexpired term.

357 However, if nine (9) days before the date of the election  
358 only one (1) person has qualified as a candidate, the governing  
359 authority shall dispense with the election, and the remaining  
360 members of the school board shall appoint that candidate to fill  
361 the unexpired term. If no person has qualified at least nine (9)  
362 days before the election, the governing authority shall dispense  
363 with the election, and the remaining members of the school board  
364 shall appoint a person, selected from the qualified electors of  
365 the school board member district in which the vacancy exists, to  
366 fill the unexpired term. The chairman of the school board shall

367 certify to the Secretary of State the fact of the appointment, and  
368 the Governor shall commission the person appointed.

369 SECTION 2. Section 37-7-703, Mississippi Code of 1972, is  
370 amended as follows:

371 **[Until January 1, 2003, this section will read as follows:]**

372 37-7-703. In all such special municipal separate school  
373 districts which embrace the entire county in which, according to  
374 the latest available federal census, a majority of the inhabitants  
375 of the county reside within the corporate limits of the  
376 municipality, the board of trustees of such special municipal  
377 separate school district shall be chosen and selected in the  
378 manner provided by subsection (1) of Section 37-7-203, and all of  
379 the provisions thereof shall be fully applicable in all respects  
380 to the selection and constitution of such board of trustees.

381 **[From and after January 1, 2003, this section will read as**  
382 **follows:]**

383 37-7-703. (1) In all \* \* \* special municipal separate  
384 school districts, beginning in 2003, the members of the school  
385 board \* \* \* of the special municipal separate school district  
386 shall be elected in the manner provided in this section.

387 (2) Each member of the school board of the special municipal  
388 separate school district shall be elected from a special school  
389 board member district by the qualified electors of that district.  
390 As soon as practicable after the results of the 2000 federal  
391 decennial census are published, the municipal governing authority  
392 shall apportion the special municipal separate school district,  
393 including any added territory, into five (5) single school board  
394 member districts. The school board member districts must be as  
395 nearly equal as possible according to population. The municipal  
396 governing authority shall submit the school board member district  
397 lines to the Attorney General of the United States for  
398 preclearance or to the United States District Court for the  
399 District of Columbia for a declaratory judgment in accordance with

400 the provisions of the Voting Rights Act of 1965, as amended and  
401 extended. If the school board member district lines are  
402 precleared by the United States Department of Justice or approved  
403 by the United States District Court, the municipal governing  
404 authority and the school board of the special municipal separate  
405 school district shall place upon their minutes the boundaries  
406 established for the five (5) school board member districts, and  
407 the school board shall publish the boundaries in a newspaper of  
408 general circulation within the school district for at least three  
409 (3) consecutive weeks. After having given notice of publication  
410 and recording the publication upon the minutes of the school  
411 board, the school board member district lines shall be effective.  
412 As soon as practicable after the results of the 2010 federal  
413 decennial census and every federal decennial census thereafter are  
414 published, the municipal governing authority shall reapportion the  
415 school board member districts in the manner prescribed in this  
416 subsection for the creation of the original districts.

417 (3) In order to provide for an orderly transition in the  
418 membership of special municipal separate school boards from  
419 appointed members, or appointed and elected members, to elected  
420 members only, the following election schedule is established for  
421 all special municipal separate school districts:

422 (a) On the first Tuesday after the first Monday in June  
423 2003, an election shall be held for the purpose of electing a  
424 member of the school board to succeed the member whose term of  
425 office expires on the first Monday of July 2003. The initial term  
426 of office of this elected member of the school board shall expire  
427 on the first Monday of July 2005.

428 (b) On the first Tuesday after the first Monday in June  
429 2004, an election shall be held for the purpose of electing a  
430 member of the school board to succeed the member whose term of  
431 office expires on the first Monday of July 2004. The initial term

432 of office of this elected member of the school board shall expire  
433 on the first Monday of July 2005.

434 (c) At the general municipal election held on the first  
435 Tuesday after the first Monday in June 2005, an election shall be  
436 held for the purpose of electing a member of the school board to  
437 succeed the member whose term of office expires on the first  
438 Monday of July 2005 and for electing the successors to the members  
439 elected under paragraphs (a) and (b) of this subsection. The term  
440 of office of these elected members of the school board shall  
441 expire on the first Monday of July 2009.

442 (d) On the first Tuesday after the first Monday in June  
443 2006, an election shall be held for the purpose of electing a  
444 member of the school board to succeed the member whose term of  
445 office expires on the first Monday of July 2006. The initial term  
446 of office of this elected member of the school board shall expire  
447 on the first Monday of July 2009.

448 (e) On the first Tuesday after the first Monday in June  
449 2007, an election shall be held for the purpose of electing a  
450 member of the school board to succeed the member whose term of  
451 office expires on the first Monday of July 2007. The initial term  
452 of office of this elected member of the school board shall expire  
453 on the first Monday of July 2009.

454 Upon the expiration of the initial terms of office, all  
455 persons elected to serve on the school board of a special  
456 municipal separate school district shall serve for a term of four  
457 (4) years.

458 On the first Tuesday after the first Monday in June 2009, and  
459 every four (4) years thereafter, the election of members of the  
460 school boards of special municipal separate school districts shall  
461 be held in the same manner and at the same time as the general  
462 municipal elections are held.

463 (4) Candidates for the school board of the special municipal  
464 separate school district shall file with the municipal election

465 commissioners, not more than ninety (90) days and not less than  
466 sixty (60) days before the date of the general election, a  
467 petition of nomination signed by at least fifty (50) or twenty  
468 percent (20%) of the qualified electors of the school board member  
469 district, whichever is less. The name of each qualified candidate  
470 shall be placed on the ballot. The election shall be held in the  
471 same manner as the general principal elections are held. The  
472 candidate in each school board member district who receives a  
473 majority of the votes cast by the qualified electors in that  
474 district shall be elected. However, if no candidate receives a  
475 majority of the votes, a runoff election shall be held two (2)  
476 weeks after the election. The names of the candidate receiving  
477 the highest number of votes and the candidate, or candidates in  
478 the event of a tie, receiving the next highest vote for the office  
479 shall be placed on the ballot in the runoff election. The person  
480 receiving the highest number of votes cast by the qualified  
481 electors in the runoff election shall be elected. All persons  
482 elected to serve on the school board of the special municipal  
483 separate school district shall take office on the first Monday of  
484 July next following the date of their election.

485 (5) Whenever there is a vacancy in the membership of the  
486 school board of the special municipal separate school district,  
487 the vacancy shall be filled, depending upon the length of the  
488 unexpired term of the vacated office, in the manner provided under  
489 this subsection.

490 (a) If the unexpired term of the vacated office is six  
491 (6) months or less, the remaining members of the school board  
492 shall appoint, within sixty (60) days after the vacancy occurs, a  
493 person to serve the unexpired portion of the term. The appointee  
494 shall be selected from the qualified electors of the school board  
495 member district in which the vacancy occurs. The chairman of the  
496 school board shall certify to the Secretary of State the fact of

497 the appointment, and the Governor shall commission the person  
498 appointed.

499 (b) If the unexpired term of the vacated office is  
500 greater than six (6) months, an election shall be held to fill the  
501 vacancy. The school board shall certify in writing the fact of  
502 the vacancy to the governing authority of the municipality. At  
503 the next regular meeting of the governing authority after its  
504 receipt of certification of the vacancy from the school board, the  
505 governing authority shall make and enter on its minutes an order  
506 for an election to be held in the school board member district in  
507 which the vacancy exists and shall fix the date upon which the  
508 election shall be held, which date shall not be less than thirty  
509 (30) days nor more than forty-five (45) days after the date upon  
510 which the order is adopted.

511 The municipal clerk shall publish notice of the election in a  
512 newspaper of general circulation within the municipality once each  
513 week for three (3) successive weeks preceding the date of the  
514 election. The first notice must be published at least thirty (30)  
515 days before the date of the election. Notice also shall be given  
516 by the school board by posting a copy of the notice at three (3)  
517 public places in the school board member district in which the  
518 vacancy exists and at the administrative offices of the school  
519 board not less than twenty-one (21) days before the date of the  
520 election.

521 Candidates for the vacated office shall file with the  
522 municipal clerk, not less than ten (10) days before the date of  
523 the election, a petition of nomination signed by at least fifty  
524 (50) or twenty percent (20%) of the qualified electors of the  
525 school board member district, whichever is less. The election  
526 shall be held, as far as practicable, in the same manner as school  
527 board elections are conducted under this section. The candidate  
528 who receives a majority of the votes cast by the qualified  
529 electors in the school board member district shall be elected.



530 However, if no candidate receives a majority of the votes, a  
531 runoff election shall be held two (2) weeks after the election.  
532 The names of the candidate receiving the highest number of votes  
533 and the candidate, or candidates in the event of a tie, receiving  
534 the next highest vote for the office shall be placed on the ballot  
535 in the runoff election. The person receiving the highest number  
536 of votes cast by the qualified electors in the runoff election  
537 shall be elected. The clerk of the municipal election commission  
538 shall give a certificate of election to the person elected and  
539 shall return to the Secretary of State a copy of the order of  
540 holding the election and its results, certified by the municipal  
541 clerk. The Governor shall commission the person elected to serve  
542 the remainder of the unexpired term.

543 However, if nine (9) days before the date of the election  
544 only one (1) person has qualified as a candidate, the governing  
545 authority shall dispense with the election, and the remaining  
546 members of the school board shall appoint that candidate to fill  
547 the unexpired term. If no person has qualified at least nine (9)  
548 days before the election, the governing authority shall dispense  
549 with the election, and the remaining members of the school board  
550 shall appoint a person, selected from the qualified electors of  
551 the school board member district in which the vacancy exists, to  
552 fill the unexpired term. The chairman of the school board shall  
553 certify to the Secretary of State the fact of the appointment, and  
554 the Governor shall commission the person appointed.

555 SECTION 3. Section 37-7-201, Mississippi Code of 1972, is  
556 amended as follows:

557 **[Until January 1, 2003, this section will read as follows:]**

558 37-7-201. In order for a person to be eligible to hold the  
559 office of trustee of any school district, such person must be a  
560 bona fide resident and a qualified elector of such school  
561 district, and, in the case of a school district lying in two (2)  
562 or more counties, but not including municipal separate school

563 districts, such person must be a bona fide resident and a  
564 qualified elector of the territory entitled to such representation  
565 on the board.

566 **[From and after January 1, 2003, this section will read as**  
567 **follows:]**

568 37-7-201. In order for a person to be eligible to be elected  
569 to the office of school board member of any school district, the  
570 person must be a bona fide resident and a qualified elector  
571 of \* \* \* the school board member district entitled to such  
572 representation on the school board.

573 SECTION 4. Section 37-7-221, Mississippi Code of 1972, is  
574 amended as follows:

575 37-7-221. The election of consolidated or consolidated line  
576 school district trustees shall be held in the manner provided for  
577 in Sections 37-7-223 through 37-7-229 \* \* \*.

578 SECTION 5. Section 37-7-204, Mississippi Code of 1972, which  
579 provides for the appointment of interim board members to fill  
580 certain vacancies on the school boards of countywide municipal  
581 separate school districts, shall be repealed on January 1, 2003.

582 SECTION 6. Sections 37-7-209, 37-7-211, 37-7-213, 37-7-215,  
583 37-7-217 and 37-7-219, Mississippi Code of 1972, which provide  
584 certain methods for electing trustees from added territory of  
585 municipal separate school districts, shall be repealed on January  
586 1, 2003.

587 SECTION 7. Sections 37-7-705, 37-7-707, 37-7-709, 37-7-711,  
588 37-7-713, 37-7-715 and 37-7-717, Mississippi Code of 1972, which  
589 provide various methods for selecting trustees of special  
590 municipal separate school districts, shall be repealed on January  
591 1, 2003.

592 SECTION 8. Section 37-9-13, Mississippi Code of 1972, is  
593 amended as follows:

594 37-9-13. (1) From and after January 1, 2004, in all public  
595 school districts, the school board, on or before January 15 of

596 each year, shall appoint the superintendent of schools of the  
597 district, except in those cases where the superintendent has been  
598 selected previously and has a contract which is valid for the  
599 ensuing scholastic year.

600       (2) \* \* \* No person shall be eligible to the office of  
601 superintendent of schools unless such person shall hold a valid  
602 Class AA administrator's certificate issued by the State  
603 Department of Education and shall have had not less than four (4)  
604 years of classroom or administrative experience.

605       SECTION 9. Section 37-9-25, Mississippi Code of 1972, is  
606 amended as follows:

607       37-9-25. The school board shall have the power and  
608 authority, in its discretion, to employ the superintendent \* \* \*  
609 for not exceeding four (4) scholastic years and the principals or  
610 licensed employees for not exceeding three (3) scholastic years.  
611 In such case, contracts shall be entered into with such  
612 superintendents, principals and licensed employees for the number  
613 of years for which they have been employed. All such contracts  
614 with licensed employees shall for the years after the first year  
615 thereof be subject to the contingency that the licensed employee  
616 may be released if, during the life of the contract, the average  
617 daily attendance should decrease from that existing during the  
618 previous year and thus necessitate a reduction in the number of  
619 licensed employees during any year after the first year of the  
620 contract. However, in all such cases the licensed employee must  
621 be released before July 1 or at least thirty (30) days prior to  
622 the beginning of the school term, whichever date should occur  
623 earlier. The salary to be paid for the years after the first year  
624 of such contract shall be subject to revision, either upward or  
625 downward, in the event of an increase or decrease in the funds  
626 available for the payment thereof, but, unless such salary is  
627 revised prior to the beginning of a school year, it shall remain  
628 for such school year at the amount fixed in such contract.

629 However, where school district funds, other than minimum education  
630 program funds, are available during the school year in excess of  
631 the amount anticipated at the beginning of the school year the  
632 salary to be paid for such year may be increased to the extent  
633 that such additional funds are available and nothing herein shall  
634 be construed to prohibit same.

635 SECTION 10. Section 37-9-12, Mississippi Code of 1972, which  
636 provides for a referendum on the question of retaining the  
637 elective method of choosing the county superintendent of  
638 education, is repealed.

639 SECTION 11. Sections 37-5-61, 37-5-63, 37-5-65, 37-5-67,  
640 37-5-69, 37-5-71 and 37-5-75, Mississippi Code of 1972, which  
641 provide for the election of county superintendents of education,  
642 are repealed from and after January 1, 2003.

643 SECTION 12. Section 23-15-297, Mississippi Code of 1972, is  
644 amended as follows:

645 23-15-297. All candidates upon entering the race for party  
646 nominations for office shall first pay to the proper officer as  
647 provided for in Section 23-15-299 for each primary election the  
648 following amounts:

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

651 (b) Candidates for Lieutenant Governor, Attorney  
652 General, Secretary of State, State Treasurer, Auditor of Public  
653 Accounts, Commissioner of Insurance, Commissioner of Agriculture  
654 and Commerce, State Highway Commissioner and State Public Service  
655 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

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

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

662           (e) Candidates for county surveyor, county coroner,  
663 justice court judge and constable, not to exceed Ten Dollars  
664 (\$10.00).

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

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

669           SECTION 13. The Attorney General of the State of Mississippi  
670 is directed to submit this act, immediately upon approval by the  
671 Governor, or upon approval by the Legislature subsequent to a  
672 veto, to the Attorney General of the United States or to the  
673 United States District Court for the District of Columbia in  
674 accordance with the provisions of the Voting Rights Act of 1965,  
675 as amended and extended.

676           SECTION 14. Sections 1 through 7 of this act shall take  
677 effect and be in force from and after the date it is effectuated  
678 under Section 5 of the Voting Rights Act of 1965, as amended and  
679 extended. Sections 8 through 12 of this act shall take effect and  
680 be in force from and after January 1, 2003, or the date it is  
681 effectuated under Section 5 of the Voting Rights Act of 1965, as  
682 amended and extended, whichever is later.