

By: Representative Ishee

To: Education; Apportionment  
and Elections

HOUSE BILL NO. 387

1 AN ACT TO AMEND SECTION 37-7-203, MISSISSIPPI CODE OF 1972,  
 2 TO CHANGE THE MONTH OF THE ELECTION OF ELECTED TRUSTEES OF  
 3 MUNICIPAL SEPARATE SCHOOL DISTRICTS FROM MARCH TO NOVEMBER AND TO  
 4 PROVIDE THAT THE ELECTED TRUSTEES SHALL SERVE FOR A TERM OF SIX  
 5 YEARS; TO AMEND SECTION 37-7-207, MISSISSIPPI CODE OF 1972, TO  
 6 PROVIDE THAT THE MEMBERS OF THE BOARDS OF TRUSTEES OF CONSOLIDATED  
 7 SCHOOL DISTRICTS AND LINE CONSOLIDATED SCHOOL DISTRICTS SHALL  
 8 SERVE FOR A TERM OF SIX YEARS; TO AMEND SECTIONS 37-7-209 THROUGH  
 9 37-7-229, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE  
 10 PROVISIONS OF THIS ACT; TO AMEND SECTION 37-7-713, MISSISSIPPI  
 11 CODE OF 1972, TO CHANGE THE MONTH OF THE ELECTION OF ELECTED  
 12 TRUSTEES OF SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS EMBRACING  
 13 LESS THAN AN ENTIRE COUNTY FROM MARCH TO NOVEMBER AND TO PROVIDE  
 14 THAT THE ELECTED TRUSTEES SHALL SERVE FOR A TERM OF SIX YEARS; AND  
 15 FOR RELATED PURPOSES.

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

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

19 37-7-203. (1) The boards of trustees of all municipal  
 20 separate school districts created under \* \* \* this chapter, either  
 21 with or without added territory, shall consist of five (5) members  
 22 \* \* \*. In the event the added territory of a municipal separate  
 23 school district furnishes fifteen percent (15%) or more of the  
 24 pupils enrolled in the schools of such district, then at least one  
 25 (1) member of the board of trustees of such school district shall  
 26 be a resident of the added territory outside the corporate limits.  
 27 In the event the added territory of a municipal separate school  
 28 district furnishes thirty percent (30%) or more of the pupils  
 29 enrolled in the schools of such district, then \* \* \* two (2)  
 30 members of the board of trustees of such school district shall be  
 31 residents of the added territory outside the corporate limits. In  
 32 the event the added territory of a municipal separate school  
 33 district in a county in which Mississippi Highways 8 and 15



34 intersect furnishes thirty percent (30%) or more of the pupils  
35 enrolled in the schools of such district, then the five (5)  
36 members of the board of trustees of such school district shall be  
37 elected at large from such school district for a term of six (6)  
38 years each. However, in order to provide for an orderly  
39 transition, the terms of all members of the board of trustees  
40 serving on July 1, 2003, shall expire on the first Monday of  
41 January 2004, on which date their successors duly elected in the  
42 November 2003 election shall assume the duties of office. In the  
43 event one (1) of two (2) municipal separate school districts  
44 located in any county with two (2) judicial districts, District 1  
45 being comprised of Supervisors Districts 1, 2, 4 and 5, and  
46 District 2 being comprised of Supervisors District 3, with added  
47 territory embraces three (3) full supervisors districts of a  
48 county, one (1) trustee shall be elected from each of the three  
49 (3) supervisors districts outside the corporate limits of the  
50 municipality. In the further event that the territory of a  
51 municipal separate school district located in any county with two  
52 (2) judicial districts, District 1 being comprised of Supervisors  
53 Districts 1, 2, 4 and 5, and District 2 being comprised of  
54 Supervisors District 3, with added territory embraces four (4)  
55 full supervisors districts in the county, and in any county in  
56 which a municipal separate school district embraces the entire  
57 county in which Highways 14 and 15 intersect, one (1) trustee  
58 shall be elected from each supervisors district.

59 Except as otherwise provided herein, the trustees of \* \* \* a  
60 municipal separate school district shall be elected by a majority  
61 of the governing authorities of the municipality at the first  
62 meeting of the governing authorities held in the month of February  
63 of each year, and the term of office of the member so elected  
64 shall commence on the first Saturday of March following. The term  
65 of office of each member of the board of trustees selected by the  
66 governing authorities of the municipality shall be for five (5)



67 years, and such members shall be chosen so that the terms of those  
68 members expire in different years. In the case of a member of the  
69 board of trustees who is required to come from the added territory  
70 outside the corporate limits as is above provided, such member of  
71 the board of trustees shall be elected by the qualified electors  
72 of the school district residing in such added territory outside  
73 the corporate limits \* \* \* in the same manner as is \* \* \* provided  
74 for in Sections 37-7-211 through 37-7-219.

75 In the event that a portion of a county school district is  
76 reconstituted, in the manner provided by law, into a municipal  
77 separate school district with added territory and in the event  
78 that the trustees to be elected from the added territory are  
79 requested to be elected from separate election districts within  
80 the added territory, instead of elected at-large, by the Attorney  
81 General of the United States as a result of and pursuant to  
82 preclearance under Section 5 of the Voting Rights Act of 1965 as  
83 amended and extended, and in the event the added territory of a  
84 municipal separate school district of a municipality furnishes  
85 thirty percent (30%) or more of the pupils enrolled in the schools  
86 of such district, then two (2) members of the board of trustees  
87 shall be residents of the added territory outside the corporate  
88 limits of such municipality and shall be elected from special  
89 trustee election districts by the qualified electors thereof as  
90 herein provided. The governing authorities of such municipality  
91 shall apportion the added territory into two (2) special trustee  
92 election districts as nearly as possible according to population  
93 and other factors heretofore pronounced by the courts. The  
94 governing authorities of such municipality shall thereafter  
95 publish the same in a newspaper of general circulation within the  
96 school district for at least two (2) consecutive weeks; and after  
97 having given notice of publication and recording the same upon the  
98 minutes of the governing authorities, the new district lines shall  
99 thereafter be effective. Any person elected from the new trustee



100 election districts constituted herein shall be elected in the  
101 manner provided for in Sections 37-7-211 through 37-7-219 for a  
102 term of six (6) years. However, in order to provide for an  
103 orderly transition, the term of any elected member of the board of  
104 trustees serving on July 1, 2003, shall expire on the first Monday  
105 of January 2004, on which date the trustee's successor duly  
106 elected in the November 2003 election shall assume the duties of  
107 office. Any vacancy in the office of a trustee elected from such  
108 trustee election district, whether occasioned by redistricting or  
109 by other cause, shall be filled by appointment of the governing  
110 authorities of the municipality, provided that the person so  
111 appointed shall serve only until the first Tuesday after the first  
112 Monday of November following his appointment, at which time a  
113 person shall be elected for the remainder of the unexpired term in  
114 the manner provided in Section 37-7-215.

115 In any county organizing a countywide municipal separate  
116 school district after January 1, 1965, the trustees thereof to be  
117 elected from outside the municipality, such trustees shall be  
118 elected by the board of supervisors of such county, and the  
119 superintendent of such school district shall have authority to pay  
120 out and distribute the funds of the district. In the event a  
121 municipal separate school district should occupy territory in a  
122 county other than that in which the municipality is located and  
123 fifteen percent (15%) or more of the pupils enrolled in the  
124 schools of such district shall come from the territory of the  
125 district in the county other than that in which the municipality  
126 is located, the territory of such county in which the municipality  
127 is not located shall be entitled to one (1) member on the board of  
128 trustees of such school district. The trustee shall be a resident  
129 of the territory of that part of the district lying in the county  
130 in which the municipality is not located and shall be elected by  
131 the qualified electors of the territory of such county at the same



132 time and in the same manner as is provided for in Sections  
133 37-7-211 through 37-7-219.

134 All vacancies shall be filled for the unexpired terms by  
135 appointment of the governing authorities of the municipality;  
136 except that in the case of the trustees coming from the added  
137 territory outside the corporate limits, the person so appointed  
138 shall serve only until the first Tuesday after the first Monday of  
139 November following his appointment, at which time a person shall  
140 be elected for the remainder of the unexpired term in the manner  
141 otherwise provided in Section 37-7-215.

142 No person who is a member of such governing body, or who is  
143 an employee of the municipality, or who is a member of the county  
144 board of education, or who is a trustee of any public, private or  
145 sectarian school or college located in the county, inclusive of  
146 the municipal separate school district, or who is a teacher in or  
147 a trustee of said school district, shall be eligible for  
148 appointment to the board of trustees.

149 (2) In counties of less than fifteen thousand (15,000)  
150 people having a municipal separate school district with added  
151 territory which embraces all the territory of a county, one (1) or  
152 more trustees of such district shall be nominated from each  
153 supervisors district upon petition of fifty (50) qualified  
154 electors of that district, or twenty percent (20%) of the  
155 qualified electors of such district, whichever number shall be  
156 smaller, and shall be elected by a plurality of the vote of the  
157 qualified electors of the county. One (1) trustee so elected  
158 shall reside in each supervisors district of the county. In such  
159 counties embraced entirely by a municipal separate school district  
160 there shall be no county board of education after the formation of  
161 such district, and the county superintendent of education shall  
162 act as superintendent of schools of the district and shall be  
163 appointed by the board of trustees of the district, and the



164 provisions of subsection (1) of this section and the first  
165 paragraph of Section 37-7-211 shall not apply to such districts.

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

168 **[Until such time as Section 1 of Laws, 1990, Chapter 567, is**  
169 **effectuated under Section 5 of the Voting Rights Act of 1965, as**  
170 **amended and extended, this section will read as follows:]**

171 37-7-207. (1) All school districts reconstituted or created  
172 under the provisions of Article 3 of this chapter, and which lie  
173 wholly within one (1) county, but not including municipal separate  
174 and countywide districts, shall be governed by a board of five (5)  
175 trustees. The first board of trustees of such districts shall be  
176 appointed by the county board of education, and the original  
177 appointments shall be so made that one (1) trustee shall be  
178 appointed to serve until the first Saturday of March following  
179 such appointments, one (1) for one (1) year longer, one (1) for  
180 two (2) years longer, one (1) for three (3) years longer, and one  
181 (1) for four (4) years longer. After such original appointments,  
182 the trustees of such school districts shall be elected by the  
183 qualified electors of such school districts in the manner provided  
184 for in Sections 37-7-223 through 37-7-229, with each trustee to be  
185 elected for a term of six (6) years. However, in order to provide  
186 for an orderly transition, the terms of all members of the board  
187 of trustees serving on July 1, 2003, shall expire on the first  
188 Monday of January 2004, on which date their successors duly  
189 elected in the November 2003 election shall assume the duties of  
190 office. The five (5) members of the board of trustees of such  
191 consolidated school district shall be elected from special trustee  
192 election districts by the qualified electors thereof, as herein  
193 provided. Upon request of the board of trustees of any  
194 consolidated school district, the board of supervisors of such  
195 county shall apportion the consolidated school district into five  
196 (5) special trustee election districts. The board of supervisors



197 shall place upon its minutes the boundaries determined for the new  
198 five (5) trustee election districts. The board of supervisors  
199 shall thereafter publish the same in a newspaper of general  
200 circulation within the school district for at least three (3)  
201 consecutive weeks; and after having given notice of publication  
202 and recording the same upon the minutes of the board of  
203 supervisors, the new district lines shall thereafter be effective.

204 On the first Tuesday after the first Monday in November in  
205 any odd-numbered year, in \* \* \* any consolidated school district  
206 electing to utilize the authority to create single member election  
207 districts, an election shall be held \* \* \* for the purpose of  
208 electing the board of trustees of such district. At the election  
209 the members of the \* \* \* board shall be elected for a term of six  
210 (6) years. Thereafter, members shall be elected at general  
211 elections as vacancies occur for terms of six (6) years each.  
212 However, in order to provide for an orderly transition, the terms  
213 of all members of the board of trustees serving on July 1, 2003,  
214 shall expire on the first Monday of January 2004, on which date  
215 their successors duly elected in the November 2003 election shall  
216 assume the duties of office. Trustees elected from single member  
217 election districts as provided above shall \* \* \* be elected as  
218 provided for in Sections 37-7-223 through 37-7-229. All members  
219 of the \* \* \* board of trustees shall take office on the first  
220 Monday of January following the date of their election. All  
221 vacancies which may occur during a term shall be filled by  
222 appointment of the consolidated school district trustees, but the  
223 person so appointed shall serve only until the next general  
224 election following such appointment, at which time a person shall  
225 be elected for the remainder of the unexpired term at the same  
226 time and in the same manner as a trustee is elected for the full  
227 term then expiring. The person so elected to the unexpired term  
228 shall take office immediately. The appointee shall be selected



229 from the qualified electors of the district in which the vacancy  
230 occurs.

231 (2) All school districts reconstituted and created  
232 under the provisions of Article 3 of this chapter, which embrace  
233 territory in two (2) or more counties, but not including municipal  
234 separate school districts, shall be governed by a board of five  
235 (5) trustees. In making the original appointments, the several  
236 county boards of education shall appoint the trustee or trustees  
237 to which the territory in such county is entitled, and, by  
238 agreement between the county boards concerned, one (1) person  
239 shall be appointed to serve until the first Saturday of March  
240 following, one (1) for one (1) year longer, one (1) for two (2)  
241 years longer, one (1) for three (3) years longer and one (1) for  
242 four (4) years longer. Thereafter, such trustees shall be elected  
243 as is provided for in Sections 37-7-223 through 37-7-229, for a  
244 term of six (6) years. However, in order to provide for an  
245 orderly transition, the terms of all members of the board of  
246 trustees serving on July 1, 2003, shall expire on the first Monday  
247 of January 2004, on which date their successors duly elected in  
248 the November 2003 election shall assume the duties of office. The  
249 five (5) members of the board of trustees of such line  
250 consolidated school district shall be elected from special trustee  
251 election districts by the qualified electors thereof, as herein  
252 provided. Upon request by the board of trustees of any line  
253 consolidated school district, the boards of supervisors of such  
254 counties shall apportion the line consolidated school district  
255 into five (5) special trustee election districts. The boards of  
256 supervisors shall place upon their minutes the boundaries  
257 determined for the new five (5) trustee election districts. The  
258 boards of supervisors shall thereafter publish the same in a  
259 newspaper of general circulation within the school district for at  
260 least three (3) consecutive weeks; and after having given notice  
261 of publication and recording the same upon the minutes of the





262 boards of supervisors, the new district lines shall thereafter be  
263 effective.

264 On the first Tuesday after the first Monday in November in  
265 any odd-numbered year, in \* \* \* any line consolidated school  
266 district electing to utilize the authority to create single member  
267 election districts, an election shall be held \* \* \* for the  
268 purpose of electing the board of trustees of such district. At  
269 the election the members of the \* \* \* board \* \* \* shall be elected  
270 for a term of six (6) years. Thereafter, members shall be elected  
271 at general elections as vacancies occur for terms of six (6) years  
272 each. However, in order to provide for an orderly transition, the  
273 terms of all members of the board of trustees serving on July 1,  
274 2003, shall expire on the first Monday of January 2004, on which  
275 date their successors duly elected in the November 2003 election  
276 shall assume the duties of office. Trustees elected from single  
277 member election districts as provided above shall \* \* \* be elected  
278 as provided for in Sections 37-7-223 through 37-7-229. All  
279 members of the \* \* \* board of trustees shall take office on the  
280 first Monday of January following the date of their election. In  
281 all elections, the trustee elected shall be a resident and  
282 qualified elector of the district entitled to the representation  
283 upon the board, and he shall be elected only by the qualified  
284 electors of such district. All vacancies which may occur during a  
285 term of office shall be filled by appointment of the consolidated  
286 line school district trustees, but the person so appointed shall  
287 serve only until the next general election following such  
288 appointment, at which time a person shall be elected for the  
289 remainder of the unexpired term at the same time and in the same  
290 manner as the trustee is elected for the full term then expiring.  
291 The person so elected to the unexpired term shall take office  
292 immediately.

293 **[From and after such time as Section 1 of Laws, 1990,**  
294 **Chapter 567, is effectuated under Section 5 of the Voting Rights**



295 **Act of 1965, as amended and extended, this section will read as**  
296 **follows:]**

297 37-7-207. (1) All school districts reconstituted or created  
298 under the provisions of Article 3 of this chapter, and which lie  
299 wholly within one (1) county, but not including municipal separate  
300 and countywide districts, shall be governed by a board of five (5)  
301 trustees. The first board of trustees of such districts shall be  
302 appointed by the county board of education, and the original  
303 appointments shall be so made that one (1) trustee shall be  
304 appointed to serve until the first Saturday of March following  
305 such appointments, one (1) for one (1) year longer, one (1) for  
306 two (2) years longer, one (1) for three (3) years longer, and one  
307 (1) for four (4) years longer. After such original appointments,  
308 the trustees of such school districts shall be elected by the  
309 qualified electors of such school districts in the manner provided  
310 for in Sections 37-7-223 through 37-7-229, Mississippi Code of  
311 1972, with each trustee to be elected for a term of six (6) years.  
312 However, in order to provide for an orderly transition, the terms  
313 of all members of the board of trustees serving on July 1, 2003,  
314 shall expire on the first Monday of January 2004, on which date  
315 their successors duly elected in the November 2003 election shall  
316 assume the duties of office. The five (5) members of the board of  
317 trustees of such consolidated school district may be elected from  
318 special trustee election districts by the qualified electors  
319 thereof, as herein provided. Upon request of the board of  
320 trustees of any consolidated school district, the board of  
321 supervisors of such county shall apportion the consolidated school  
322 district into five (5) special trustee election districts. The  
323 board of supervisors shall place upon its minutes the boundaries  
324 determined for the new five (5) trustee election districts. The  
325 board of supervisors shall thereafter publish the same in a  
326 newspaper of general circulation within the school district for at  
327 least three (3) consecutive weeks; and after having given notice



328 of publication and recording the same upon the minutes of the  
329 board of supervisors, the new district lines shall thereafter be  
330 effective.

331 On the first Tuesday after the first Monday in November in  
332 any odd-numbered year, in \* \* \* any consolidated school district  
333 electing to utilize the authority to create single member election  
334 districts, an election shall be held \* \* \* for the purpose of  
335 electing the board of trustees of such district. At the election  
336 the members of the \* \* \* board \* \* \* shall be elected for a term  
337 of six (6) years. Thereafter, members shall be elected at general  
338 elections as vacancies occur for terms of six (6) years each.  
339 However, in order to provide for an orderly transition, the terms  
340 of all members of the board of trustees serving on July 1, 2003,  
341 shall expire on the first Monday of January 2004, on which date  
342 their successors duly elected in the November 2003 election shall  
343 assume the duties of office. Trustees elected from single member  
344 election districts as provided above shall \* \* \* be elected as  
345 provided for in Sections 37-7-223 through 37-7-229. All members  
346 of the \* \* \* board of trustees shall take office on the first  
347 Monday of January following the date of their election. All  
348 vacancies which may occur during a term shall be filled by  
349 appointment of the consolidated school district trustees, but the  
350 person so appointed shall serve only until the next general  
351 election following such appointment, at which time a person shall  
352 be elected for the remainder of the unexpired term at the same  
353 time and in the same manner as a trustee is elected for the full  
354 term then expiring. The person so elected to the unexpired term  
355 shall take office immediately. The appointee shall be selected  
356 from the qualified electors of the district in which the vacancy  
357 occurs.

358 (2) All school districts reconstituted and created  
359 under the provisions of Article 3 of this chapter, which embrace  
360 territory in two (2) or more counties, but not including municipal



361 separate school districts, shall be governed by a board of five  
362 (5) trustees. In making the original appointments, the several  
363 county boards of education shall appoint the trustee or trustees  
364 to which the territory in such county is entitled, and, by  
365 agreement between the county boards concerned, one (1) person  
366 shall be appointed to serve until the first Saturday of March  
367 following such appointments, one (1) for one (1) year longer, one  
368 (1) for two (2) years longer, one (1) for three (3) years longer  
369 and one (1) for four (4) years longer. Thereafter, such trustees  
370 shall be elected as is provided for in Sections 37-7-223 through  
371 37-7-229, Mississippi Code of 1972, for a term of six (6) years.  
372 However, in order to provide for an orderly transition, the terms  
373 of all members of the board of trustees serving on July 1, 2003,  
374 shall expire on the first Monday of January 2004, on which date  
375 their successors duly elected in the November 2003 election shall  
376 assume the duties of office. The five (5) members of the board of  
377 trustees of such line consolidated school district may be elected  
378 from special trustee election districts by the qualified electors  
379 thereof, as herein provided. Upon request by the board of  
380 trustees of any line consolidated school district, the boards of  
381 supervisors of such counties shall apportion the line consolidated  
382 school district into five (5) special trustee election districts.  
383 The boards of supervisors shall place upon their minutes the  
384 boundaries determined for the new five (5) trustee election  
385 districts. The boards of supervisors shall thereafter publish the  
386 same in a newspaper of general circulation within the school  
387 district for at least three (3) consecutive weeks; and after  
388 having given notice of publication and recording the same upon the  
389 minutes of the boards of supervisors, the new district lines shall  
390 thereafter be effective.

391 On the first Tuesday after the first Monday in November in  
392 any odd-numbered year, in \* \* \* any line consolidated school  
393 district electing to utilize the authority to create single member



394 election districts, an election shall be held \* \* \* for the  
395 purpose of electing the board of trustees of such district. At  
396 the election the members of the \* \* \* board \* \* \* shall be elected  
397 for a term of six (6) years. However, in order to provide for an  
398 orderly transition, the terms of all members of the board of  
399 trustees serving on July 1, 2003, shall expire on the first Monday  
400 of January 2004, on which date their successors duly elected in  
401 the November 2003 election shall assume the duties of office.  
402 Thereafter, members shall be elected at general elections as  
403 vacancies occur for terms of six (6) years each. Trustees elected  
404 from single member election districts as provided above shall  
405 \* \* \* be elected as provided for in Sections 37-7-223 through  
406 37-7-229. All members of the \* \* \* board of trustees shall take  
407 office on the first Monday of January following the date of their  
408 election. In all such elections, the trustee elected shall be a  
409 resident and qualified elector of the district entitled to the  
410 representation upon the board, and he shall be elected only by the  
411 qualified electors of such district. All vacancies which may  
412 occur during a term of office shall be filled by appointment of  
413 the consolidated line school district trustees, but the person so  
414 appointed shall serve only until the next general election  
415 following such appointment, at which time a person shall be  
416 elected for the remainder of the unexpired term at the same time  
417 and in the same manner as the trustee is elected for the full term  
418 then expiring. The person so elected to the unexpired term shall  
419 take office immediately.

420 **SECTION 3.** Section 37-7-209, Mississippi Code of 1972, is  
421 amended as follows:

422 37-7-209. All elections of trustees who are elected in  
423 municipal separate school districts under the provisions of  
424 subsection (1) of Section 37-7-203 shall be held and conducted in  
425 the manner and at the time provided for in Sections 37-7-211  
426 through 37-7-219.



427           **SECTION 4.** Section 37-7-211, Mississippi Code of 1972, is  
428 amended as follows:

429           37-7-211. Any person otherwise eligible under the provisions  
430 of subsection (1) of Section 37-7-203 who \* \* \* desires to be a  
431 candidate for the office of trustee must qualify in the following  
432 manner in order \* \* \* to be considered for election. By 5:00 p.m.  
433 at least forty (40) days before the election, he shall file with  
434 the county election commissioners a petition signed by not less  
435 than twenty-five (25) qualified electors of the area represented  
436 by the office which he seeks, either for a full term or an  
437 unexpired term, as the case may be, and an affidavit by the  
438 candidate offering for election stating his qualifications under  
439 the terms of \* \* \* Sections 37-7-201 and 37-7-203. The petition  
440 shall contain an affidavit certifying that all signatures are the  
441 personal signatures of each person whose name appears on the  
442 petition and that each person is a qualified elector.

443           Unless the petition and affidavit required above shall be  
444 filed by 5:00 p.m. not less than forty (40) days before the  
445 election, the name of the candidate shall not be considered in the  
446 election, and votes cast for any person who has failed to qualify  
447 shall not be counted in the election.

448           If after the time for candidates to file the petition and  
449 affidavit provided for herein there should be only one (1) person  
450 to qualify for the office of trustee, then no election or notice  
451 of election shall be necessary and such person shall, if otherwise  
452 qualified, be declared elected without opposition.

453           **SECTION 5.** Section 37-7-213, Mississippi Code of 1972, is  
454 amended as follows:

455           37-7-213. Notice of the election shall be given at least  
456 twenty-one (21) days before the election by the superintendent by  
457 posting a notice thereof in at least three (3) public places in  
458 the school district and upon the bulletin board of all school  
459 buildings in such school district. In addition thereto, notice



460 shall be made by publication once in each week during three (3)  
461 successive weeks in a public newspaper of the county in which the  
462 election shall take place, if there is such a newspaper. Where  
463 there is no newspaper in the county, the notice shall be posted at  
464 the courthouse door of the county and published as above provided  
465 in a public newspaper in an adjoining county, or at the seat of  
466 government of the state. The period of \* \* \* publication shall be  
467 deemed completed at the end of twenty-one (21) days from the date  
468 of the first publication if three (3) publications have been made  
469 as hereinabove required. Such notice shall contain a statement of  
470 the time and place for the holding of the election, the number of  
471 trustees to be elected, and whether the office is to be filled for  
472 a full term or for an unexpired term. In addition, the notice  
473 shall contain the names of the candidates for each position to be  
474 filled and the area to be represented by each. In addition  
475 thereto, the principal, teacher or superintendent of each school  
476 within such district shall announce the date, time, purpose and  
477 place of holding the election to the pupils at least three (3)  
478 times during the week immediately preceding same.

479 **SECTION 6.** Section 37-7-215, Mississippi Code of 1972, is  
480 amended as follows:

481 37-7-215. Beginning in 2003, all such elections of elected  
482 trustees in municipal separate school districts shall be held on  
483 the first Tuesday after the first Monday in November in the same  
484 manner as general state and county elections are held and  
485 conducted. In the event a runoff is necessary, such runoff shall  
486 be held two (2) weeks thereafter. \* \* \*

487 \* \* \*

488 **SECTION 7.** Section 37-7-217, Mississippi Code of 1972, is  
489 amended as follows:

490 37-7-217. The candidate who receives a majority of the votes  
491 cast, either for a full term or for an unexpired term, shall be  
492 declared elected by the county election commissioners. Any person



493 elected to a full term shall assume the duties of his office on  
494 the first Monday of January of the year following the election.  
495 Any person elected under Section 37-7-215 for an unexpired term  
496 shall immediately assume the duties of his office \* \* \* for the  
497 remainder of the unexpired term \* \* \*. If a person does not  
498 receive a majority of the votes cast upon the first ballot, a  
499 runoff shall be held between the two (2) persons receiving the  
500 highest number of votes upon such first ballot \* \* \* two (2) weeks  
501 thereafter. \* \* \*

502 **SECTION 8.** Section 37-7-219, Mississippi Code of 1972, is  
503 amended as follows:

504 37-7-219. For the purpose of holding the election, it shall  
505 be the duty of the county election commissioners to prepare from  
506 the records in the office of the county registrar a list of the  
507 qualified electors of such school district who are eligible to  
508 participate in such election. Such list shall be furnished to the  
509 election managers in each precinct, together with the ballots and  
510 other election supplies.

511 For each day spent in carrying out the provisions of Sections  
512 37-7-211 through 37-7-219, the county election commissioners shall  
513 be paid at the rate prescribed by law.

514 **SECTION 9.** Section 37-7-221, Mississippi Code of 1972, is  
515 amended as follows:

516 37-7-221. The election of elected school district trustees  
517 in consolidated school districts and consolidated line school  
518 districts shall be held in the manner provided for in Sections  
519 37-7-223 through 37-7-229 \* \* \*.

520 **SECTION 10.** Section 37-7-223, Mississippi Code of 1972, is  
521 amended as follows:

522 37-7-223. Beginning in 2003, all elections of elected school  
523 district trustees in consolidated school districts and  
524 consolidated line school districts shall be held on the first  
525 Tuesday after the first Monday in November of each year in the





526 same manner as general state and county elections are held and  
527 conducted.

528 **SECTION 11.** Section 37-7-225, Mississippi Code of 1972, is  
529 amended as follows:

530 37-7-225. The county election commissioners shall place the  
531 name of any person eligible to hold the office of trustee on the  
532 ballot used in the election, provided that such candidate has  
533 filed with the county registrar, not more than ninety (90) days  
534 nor less than sixty (60) days before the date of such election, a  
535 petition of nomination signed by not less than fifty (50)  
536 qualified electors of the school district or if the person seeks  
537 to represent a separate election district, of the appropriate  
538 election district. Where there are less than one hundred (100)  
539 qualified electors in the school district or election district, as  
540 the case may be, it shall only be required that the petition of  
541 nomination be signed by at least twenty percent (20%) of the  
542 qualified electors of such \* \* \* district. If such person is a  
543 candidate for an unexpired term, he shall indicate the term for  
544 which he is a candidate in such petition; otherwise, he shall be  
545 deemed to be a candidate for a full term.

546 If, after the time for candidates to file the petition of  
547 nomination provided for herein, there is only one (1) person to  
548 qualify for the office of trustee, then no election or notice of  
549 election shall be necessary, and such person shall, if otherwise  
550 qualified, be declared elected without opposition.

551 **SECTION 12.** Section 37-7-227, Mississippi Code of 1972, is  
552 amended as follows:

553 37-7-227. The county election commissioners shall indicate  
554 on the ballot which of the persons whose names appear thereon are  
555 candidates for a full term, and which of such persons, if any, are  
556 candidates for an unexpired term \* \* \*. The candidate who  
557 receives a majority of the votes cast, either for a full term or  
558 for an unexpired term \* \* \*, as indicated on the ballot, shall be



559 declared elected. The person or persons elected to a full term  
560 shall assume the duties of \* \* \* office on the first Monday of  
561 January of the year following such election. The \* \* \* persons  
562 elected to an unexpired term shall assume office immediately. If  
563 no candidate for the office of trustee receives a majority of the  
564 votes cast at such election, a runoff shall be held in the same  
565 manner on the third Tuesday after the first Monday in November  
566 following such election between the two (2) candidates receiving  
567 the highest number of votes upon such first ballot.

568 **SECTION 13.** Section 37-7-229, Mississippi Code of 1972, is  
569 amended as follows:

570 37-7-229. For the purpose of holding such election, it shall  
571 be the duty of the county election commissioners to prepare from  
572 the records in the office of the county registrar a list of the  
573 qualified electors of the school district, or of the separate  
574 trustee election districts, in which such election is to be held  
575 who are eligible to participate in such election. Such list shall  
576 be furnished to the election managers in each precinct, together  
577 with the ballots and other election supplies.

578 In the event that any election precinct embraces parts of two  
579 (2) or more school districts, it shall be the duty of the county  
580 election commissioners to prepare from the records in the office  
581 of the county registrar separate lists of the qualified electors  
582 of each school district who reside in that precinct and who are  
583 eligible to participate in such election. The election  
584 commissioners shall furnish to the election managers in the  
585 precinct separate ballots and separate ballot boxes and separate  
586 voting lists for each school district.

587 For each day spent in carrying out the provisions of Sections  
588 37-7-225 through 37-7-229, the county election commissioners shall  
589 be paid at the rate prescribed by law.

590 **SECTION 14.** Section 37-7-713, Mississippi Code of 1972, is  
591 amended as follows:



592           37-7-713. In all special municipal separate school districts  
593 where the district embraces less than the entire area of the  
594 county and where the majority of the educable children of such  
595 district reside outside the limits of the municipality, unless the  
596 governing authorities of the municipality and the county provide  
597 for one of the alternative methods of organization as set out in  
598 Sections 37-7-715 and 37-7-717, the \* \* \* special municipal  
599 separate school district shall be governed by a board of trustees  
600 consisting of five (5) members, to be elected by the qualified  
601 electors of such municipal separate school district from the  
602 district at large in the manner provided by Sections 37-7-209  
603 through 37-7-219 \* \* \*. Beginning in 2003, the trustees of such a  
604 special municipal separate school district shall be elected for a  
605 term of six (6) years, as herein provided. All such members of  
606 the board of trustees shall be residents and qualified electors of  
607 such school district. All vacancies which may occur during a term  
608 of office shall be filled by appointment by the remaining members  
609 of the board of trustees, such appointee to have the same  
610 qualifications as other members of the board. Such appointment  
611 shall be made within thirty (30) days after the vacancy occurs.  
612 The person so appointed shall serve only until his successor shall  
613 have qualified. The successor to serve the remainder of the  
614 unexpired term shall be elected on the first Tuesday after the  
615 first Monday in November next following the occurrence of such  
616 vacancy in the same manner as provided for by Sections 37-7-209  
617 through 37-7-219.

618           **SECTION 15.** The Attorney General of the State of Mississippi  
619 shall submit this act, immediately upon approval by the Governor,  
620 or upon approval by the Legislature subsequent to a veto, to the  
621 Attorney General of the United States or to the United States  
622 District Court for the District of Columbia in accordance with the  
623 provisions of the Voting Rights Act of 1965, as amended and  
624 extended.



625           **SECTION 16.** This act shall take effect and be in force from  
626 and after July 1, 2003, if it is effectuated on or before that  
627 date under Section 5 of the Voting Rights Act of 1965, as amended  
628 and extended. If it is effectuated under Section 5 of the Voting  
629 Rights Act of 1965, as amended and extended, after July 1, 2003,  
630 this act shall take effect and be in force from and after the date  
631 it is effectuated under Section 5 of the Voting Rights Act of  
632 1965, as amended and extended.

