

By: Representative Ishee

To: Education; Apportionment  
and Elections

## HOUSE BILL NO. 500

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)  
 22 members \* \* \*. In the event the added territory of a municipal  
 23 separate school district furnishes fifteen percent (15%) or more  
 24 of the pupils enrolled in the schools of such district, then at  
 25 least one (1) member of the board of trustees of such school  
 26 district shall be a resident of the added territory outside the  
 27 corporate limits. In the event the added territory of a municipal  
 28 separate school district furnishes thirty percent (30%) or more of  
 29 the pupils enrolled in the schools of such district, then \* \* \*  
 30 two (2) members of the board of trustees of such school district  
 31 shall be residents of the added territory outside the corporate  
 32 limits. In the event the added territory of a municipal separate  
 33 school 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 \* \* \*  
74 provided 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 board of trustees of the school district  
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 board  
94 of trustees of the school district shall thereafter publish the  
95 same in a newspaper of general circulation within the school  
96 district for at least two (2) consecutive weeks; and after having  
97 given notice of publication and recording the same upon the  
98 minutes of the board of trustees of the school district, the new  
99 district lines shall thereafter be effective. Any person elected



100 from the new trustee election districts constituted herein shall  
101 be elected in the manner provided for in Sections 37-7-211 through  
102 37-7-219 for a term of six (6) years. However, in order to  
103 provide for an orderly transition, the terms of all members of the  
104 board of trustees serving on July 1, 2004, shall expire on the  
105 first Monday of January 2005, on which date their successors duly  
106 elected in the November 2004 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 \* \* \* 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 the school district, shall be eligible for  
148 appointment to said 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 said 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 said 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 that district and the county superintendent of education shall act  
162 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 those districts.

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

168 \* \* \*

169 37-7-207. (1) All school districts reconstituted or created  
170 under the provisions of Article 1 of this chapter, and which lie  
171 wholly within one (1) county, but not including municipal separate  
172 and countywide districts, shall be governed by a board of five (5)  
173 trustees. The first board of trustees of such districts shall be  
174 appointed by the county board of education, and the original  
175 appointments shall be so made that one (1) trustee shall be  
176 appointed to serve until the first Saturday of March following  
177 such appointments, one (1) for one (1) year longer, one (1) for  
178 two (2) years longer, one (1) for three (3) years longer, and one  
179 (1) for four (4) years longer. After such original appointments,  
180 the trustees of such school districts shall be elected by the  
181 qualified electors of such school districts in the manner provided  
182 for in Sections 37-7-223 through 37-7-229, with each trustee to be  
183 elected for a term of six (6) years. However, in order to provide  
184 for an orderly transition, the terms of all members of the board  
185 of trustees serving on July 1, 2004, shall expire on the first  
186 Monday of January 2005, on which date their successors duly  
187 elected in the November 2004 election shall assume the duties of  
188 office. The five (5) members of the board of trustees of such  
189 consolidated school district shall be elected from special trustee  
190 election districts by the qualified electors thereof, as herein  
191 provided. The board of trustees of any such consolidated school  
192 district shall apportion the consolidated school district into  
193 five (5) special trustee election districts. The board of  
194 trustees of such school district shall place upon its minutes the  
195 boundaries determined for the new five (5) trustee election  
196 districts. The board of trustees shall thereafter publish the



197 same in a newspaper of general circulation within the school  
198 district for at least three (3) consecutive weeks; and after  
199 having given notice of publication and recording the same upon the  
200 minutes of the board of trustees, the new district lines shall  
201 thereafter be effective.

202 On the first Tuesday after the first Monday in November, in  
203 any odd-numbered year, in \* \* \* any consolidated school district  
204 electing to utilize the authority to create single member election  
205 districts, an election shall be held \* \* \* for the purpose of  
206 electing the board of trustees of such district. At the election  
207 the members of the \* \* \* board \* \* \* shall be elected for a term  
208 of six (6) years. Thereafter, members shall be elected at general  
209 elections as vacancies occur for terms of six (6) years each.  
210 However, in order to provide for an orderly transition, the terms  
211 of all members of the board of trustees serving on July 1, 2004,  
212 shall expire on the first Monday of January 2005, on which date  
213 their successors duly elected in the November 2004 election shall  
214 assume the duties of office. Trustees elected from single member  
215 election districts as provided above shall \* \* \* be elected as  
216 provided for in Sections 37-7-223 through 37-7-229. All members  
217 of the \* \* \* board of trustees shall take office on the first  
218 Monday of January following the date of their election. All  
219 vacancies which may occur during a term shall be filled by  
220 appointment of the consolidated school district trustees, but the  
221 person so appointed shall serve only until the next general  
222 election following such appointment, at which time a person shall  
223 be elected for the remainder of the unexpired term at the same  
224 time and in the same manner as a trustee is elected for the full  
225 term then expiring. The person so elected to the unexpired term  
226 shall take office immediately. The appointee shall be selected  
227 from the qualified electors of the district in which the vacancy  
228 occurs.



229 (2) All school districts reconstituted and created under the  
230 provisions of Article 3 of this chapter, which embrace territory  
231 in two (2) or more counties, but not including municipal separate  
232 school districts, shall be governed by a board of five (5)  
233 trustees. In making the original appointments, the several county  
234 boards of education shall appoint the trustee or trustees to which  
235 the territory in such county is entitled, and, by agreement  
236 between the county boards concerned, one (1) person shall be  
237 appointed to serve until the first Saturday of March following,  
238 one (1) for one (1) year longer, one (1) for two (2) years longer,  
239 one (1) for three (3) years longer and one (1) for four (4) years  
240 longer. Thereafter, such trustees shall be elected as is provided  
241 for in Sections 37-7-223 through 37-7-229, for a term of six (6)  
242 years. However, in order to provide for an orderly transition,  
243 the terms of all members of the board of trustees serving on July  
244 1, 2004, shall expire on the first Monday of January 2005, on  
245 which date their successors duly elected in the November 2004  
246 election shall assume the duties of office. The five (5) members  
247 of the board of trustees of such line consolidated school district  
248 shall be elected from special trustee election districts by the  
249 qualified electors thereof, as herein provided. The existing  
250 board of trustees of such line consolidated school district shall  
251 apportion the line consolidated school district into five (5)  
252 special trustee election districts. The board of trustees shall  
253 place upon its minutes the boundaries determined for the new five  
254 (5) trustee election districts. The board of trustees shall  
255 thereafter publish the same in a newspaper of general circulation  
256 within the school district for at least three (3) consecutive  
257 weeks; and after having given notice of publication and recording  
258 the same upon the minutes of the board of trustees, the new  
259 district lines shall thereafter be effective. Provided, however,  
260 that in any line consolidated school district encompassing two (2)  
261 or more counties created pursuant to Laws, 1953, Extraordinary





262 Session, Chapter 12, Section 8, in which, as a condition precedent  
263 to the creation of the district, each county belonging thereto was  
264 contractually guaranteed to always have at least one (1)  
265 representative on the board, in order that the condition precedent  
266 may be honored and guaranteed, in any year in which the board of  
267 trustees of such line consolidated school district does not have  
268 at least one (1) member from each county or part thereof forming  
269 such district, the board of trustees in such district shall be  
270 governed by a board of a sufficient number of trustees to fulfill  
271 this guarantee, five (5) of whom shall be elected from the five  
272 (5) special trustee election districts which shall be as nearly  
273 equal as possible and one (1) member trustee appointed at large  
274 from each county not having representation on the elected board.  
275 In such cases, the board of supervisors of each county shall make  
276 written agreement to guarantee the manner of appointment of at  
277 least one (1) representative from each county in the district,  
278 placing such written agreement on the minutes of each board of  
279 supervisors in each county.

280 On the first Tuesday after the first Monday in November, in  
281 any odd-numbered year, in \* \* \* any line consolidated school  
282 district electing to utilize the authority to create single member  
283 election districts, an election shall be held \* \* \* for the  
284 purpose of electing the board of trustees of such district. At  
285 the election the members of the \* \* \* board \* \* \* shall be elected  
286 for a term of six (6) years. Thereafter, members shall be elected  
287 at general elections as vacancies occur for terms of six (6) years  
288 each. However, in order to provide for an orderly transition, the  
289 terms of all members of the board of trustees serving on July 1,  
290 2004, shall expire on the first Monday of January 2005, on which  
291 date their successors duly elected in the November 2004 election  
292 shall assume the duties of office. Trustees elected from single  
293 member election districts as provided above shall \* \* \* be elected  
294 as provided for in Sections 37-7-223 through 37-7-229. All



295 members of the \* \* \* board of trustees shall take office on the  
296 first Monday of January following the date of their election. In  
297 all elections, the trustee elected shall be a resident and  
298 qualified elector of the district entitled to the representation  
299 upon the board, and he shall be elected only by the qualified  
300 electors of such district. All vacancies which may occur during a  
301 term of office shall be filled by appointment of the consolidated  
302 line school district trustees, but the person so appointed shall  
303 serve only until the next general election following such  
304 appointment, at which time a person shall be elected for the  
305 remainder of the unexpired term at the same time and in the same  
306 manner as the trustee is elected for the full term then expiring.  
307 The person so elected to the unexpired term shall take office  
308 immediately.

309 \* \* \*

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

312 37-7-209. All elections of trustees who are elected in  
313 municipal separate school districts under the provisions of  
314 subsection (1) of Section 37-7-203 shall be held and conducted in  
315 the manner and at the time provided for in Sections 37-7-211  
316 through 37-7-219.

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

319 37-7-211. Any person otherwise eligible under the provisions  
320 of subsection (1) of Section 37-7-203 who \* \* \* desires to be a  
321 candidate for the office of trustee must qualify in the following  
322 manner in order \* \* \* to be considered for election. By 5:00 p.m.  
323 at least forty (40) days before the election, he shall file with  
324 the county election commissioners a petition signed by not less  
325 than twenty-five (25) qualified electors of the area represented  
326 by the office which he seeks, either for a full term or an  
327 unexpired term, as the case may be, and an affidavit by the



328 candidate offering for election stating his qualifications under  
329 the terms of \* \* \* Sections 37-7-201 and 37-7-203. The petition  
330 shall contain an affidavit certifying that all signatures are the  
331 personal signatures of each person whose name appears on the  
332 petition and that each person is a qualified elector.

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

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

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

345 37-7-213. Notice of the election shall be given at least  
346 twenty-one (21) days before the election by the superintendent by  
347 posting a notice thereof in at least three (3) public places in  
348 the school district and upon the bulletin board of all school  
349 buildings in such school district. In addition thereto, notice  
350 shall be made by publication once in each week during three (3)  
351 successive weeks in a public newspaper of the county in which the  
352 election shall take place, if there is such a newspaper. Where  
353 there is no newspaper in the county, the notice shall be posted at  
354 the courthouse door of the county and published as above provided  
355 in a public newspaper in an adjoining county, or at the seat of  
356 government of the state. The period of \* \* \* publication shall be  
357 deemed completed at the end of twenty-one (21) days from the date  
358 of the first publication if three (3) publications have been made  
359 as hereinabove required. Such notice shall contain a statement of  
360 the time and place for the holding of the election, the number of



361 trustees to be elected, and whether the office is to be filled for  
362 a full term or for an unexpired term. In addition, the notice  
363 shall contain the names of the candidates for each position to be  
364 filled and the area to be represented by each. In addition  
365 thereto, the principal, teacher or superintendent of each school  
366 within such district shall announce the date, time, purpose and  
367 place of holding the election to the pupils at least three (3)  
368 times during the week immediately preceding same.

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

371 37-7-215. \* \* \*

372 Beginning in 2004, all such elections of elected trustees in  
373 municipal separate school districts shall be held on the first  
374 Tuesday after the first Monday in November in the same manner as  
375 general state and county elections are held and conducted. In the  
376 event a runoff is necessary, such runoff shall be held two (2)  
377 weeks thereafter. \* \* \*

378 \* \* \*

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

381 37-7-217. The candidate who receives a majority of the votes  
382 cast, either for a full term or for an unexpired term, shall be  
383 declared elected by the county election commissioners. Any person  
384 elected to a full term shall assume the duties of his office on  
385 the first Monday of January of the year following the election.  
386 Any person elected under Section 37-7-215 for an unexpired term  
387 shall immediately assume the duties of his office \* \* \* for the  
388 remainder of the unexpired term \* \* \*. If a person does not  
389 receive a majority of the votes cast upon the first ballot, a  
390 runoff shall be held between the two (2) persons receiving the  
391 highest number of votes upon such first ballot \* \* \* two (2) weeks  
392 thereafter. \* \* \*



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

395           37-7-219. For the purpose of holding the election, it shall  
396 be the duty of the county election commissioners to prepare from  
397 the records in the office of the county registrar a list of the  
398 qualified electors of such school district who are eligible to  
399 participate in such election. Such list shall be furnished to the  
400 election managers in each precinct, together with the ballots and  
401 other election supplies.

402           For each day spent in carrying out the provisions of Sections  
403 37-7-211 through 37-7-219, the county election commissioners shall  
404 be paid at the rate prescribed by law.

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

407           37-7-221. The election of elected school district trustees  
408 in consolidated school districts and consolidated line school  
409 districts shall be held in the manner provided for in Sections  
410 37-7-223 through 37-7-229 \* \* \*.

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

413           37-7-223. Beginning in 2004, all elections of elected school  
414 district trustees in consolidated school districts and  
415 consolidated line school districts shall be held on the first  
416 Tuesday after the first Monday in November of each year in the  
417 same manner as general state and county elections are held and  
418 conducted.

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

421           37-7-225. The county election commissioners shall place the  
422 name of any person eligible to hold the office of trustee on the  
423 ballot used in the election, provided that such candidate has  
424 filed with the county registrar, not more than ninety (90) days  
425 and by 5:00 p.m. not less than sixty (60) days before the date of



426 such election, a petition of nomination signed by not less than  
427 fifty (50) qualified electors of the school district or if the  
428 person seeks to represent a separate election district, of the  
429 appropriate election district. Where there are less than one  
430 hundred (100) qualified electors in the school district or the  
431 election district as the case may be, it shall only be required  
432 that the petition of nomination be signed by at least twenty  
433 percent (20%) of the qualified electors of such school district.  
434 If such person is a candidate for an unexpired term, he shall  
435 indicate the term for which he is a candidate in such petition;  
436 otherwise he shall be deemed to be a candidate for a full term.

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

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

444 37-7-227. The county election commissioners shall indicate  
445 on the ballot which of the persons whose names appear thereon are  
446 candidates for a full term, and which of such persons, if any, are  
447 candidates for an unexpired term \* \* \*. The candidate who  
448 receives a majority of the votes cast, either for a full term or  
449 for an unexpired term \* \* \*, as indicated on the ballot, shall be  
450 declared elected. The person or persons elected to a full term  
451 shall assume the duties of \* \* \* office on the first Monday of  
452 January of the year following such election. The \* \* \* persons  
453 elected to an unexpired term shall assume office immediately. If  
454 no candidate for the office of trustee receives a majority of the  
455 votes cast at such election, a runoff shall be held in the same  
456 manner on the third Tuesday after the first Monday in November  
457 following such election between the two (2) candidates receiving  
458 the highest number of votes upon such first ballot.



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

461           37-7-229. For the purpose of holding such election, it shall  
462 be the duty of the county election commissioners to prepare from  
463 the records in the office of the county registrar a list of the  
464 qualified electors of the school district, or of the separate  
465 trustee election districts, in which such election is to be held  
466 who are eligible to participate in such election. Such list shall  
467 be furnished to the election managers in each precinct, together  
468 with the ballots and other election supplies.

469           In the event that any election precinct embraces parts of two  
470 (2) or more school districts, it shall be the duty of the county  
471 election commissioners to prepare from the records in the office  
472 of the county registrar separate lists of the qualified electors  
473 of each school district who reside in that precinct and who are  
474 eligible to participate in such election. The election  
475 commissioners shall furnish to the election managers in the  
476 precinct separate ballots and separate ballot boxes and separate  
477 voting lists for each school district.

478           For each day spent in carrying out the provisions of Sections  
479 37-7-225 through 37-7-229, the county election commissioners shall  
480 be paid at the rate prescribed by law.

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

483           37-7-713. In all special municipal separate school districts  
484 where the district embraces less than the entire area of the  
485 county and where the majority of the educable children of such  
486 district reside outside the limits of the municipality, unless the  
487 governing authorities of the municipality and the county provide  
488 for one of the alternative methods of organization as set out in  
489 Sections 37-7-715 and 37-7-717, the \* \* \* special municipal  
490 separate school district shall be governed by a board of trustees  
491 consisting of five (5) members, to be elected by the qualified



492 electors of such municipal separate school district from the  
493 district at large in the manner provided by Sections 37-7-209  
494 through 37-7-219 \* \* \*. Beginning in 2004, the \* \* \* trustees of  
495 such a special municipal separate school district shall be elected  
496 for a term of six (6) years, as herein provided. All such members  
497 of the board of trustees shall be residents and qualified electors  
498 of such school district. All vacancies which may occur during a  
499 term of office shall be filled by appointment by the remaining  
500 members of the board of trustees, such appointee to have the same  
501 qualifications as other members of the board. Such appointment  
502 shall be made within thirty (30) days after the vacancy occurs.  
503 The person so appointed shall serve only until his successor shall  
504 have qualified. The successor to serve the remainder of the  
505 unexpired term shall be elected on the first Tuesday after the  
506 first Monday in November next following the occurrence of such  
507 vacancy in the same manner as provided for by Sections 37-7-209  
508 through 37-7-219.

509 **SECTION 15.** The Attorney General of the State of Mississippi  
510 shall submit this act, immediately upon approval by the Governor,  
511 or upon approval by the Legislature subsequent to a veto, to the  
512 Attorney General of the United States or to the United States  
513 District Court for the District of Columbia in accordance with the  
514 provisions of the Voting Rights Act of 1965, as amended and  
515 extended.

516 **SECTION 16.** This act shall take effect and be in force from  
517 and after July 1, 2004, if it is effectuated on or before that  
518 date under Section 5 of the Voting Rights Act of 1965, as amended  
519 and extended. If it is effectuated under Section 5 of the Voting  
520 Rights Act of 1965, as amended and extended, after July 1, 2004,  
521 this act shall take effect and be in force from and after the date  
522 it is effectuated under Section 5 of the Voting Rights Act of  
523 1965, as amended and extended.

