

By: Representative Moore

To: County Affairs;  
Education

## HOUSE BILL NO. 394

1 AN ACT TO AMEND SECTION 37-5-9, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE CANDIDATES FOR THE COUNTY BOARD OF EDUCATION TO DECLARE  
3 THE POLITICAL PARTY WITH WHICH THEY ARE AFFILIATED, TO PROVIDE  
4 THAT THE CANDIDATE WHO RECEIVES A MAJORITY OF THE VOTES CAST IN  
5 THE GENERAL ELECTION SHALL BE ELECTED AND TO REQUIRE A RUN-OFF  
6 ELECTION IF NO CANDIDATE RECEIVES A MAJORITY OF VOTES; AND FOR  
7 RELATED PURPOSES.

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

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

11 37-5-9. (1) The name of any qualified elector who is a  
12 candidate for the county board of education and the political  
13 party with which the candidate is affiliated shall be placed on  
14 the ballot used in the general elections by the county election  
15 commissioners, provided that the candidate files with the county  
16 election commissioners, not more than ninety (90) days and not  
17 less than sixty (60) days prior to the date of such general  
18 election, a petition of nomination signed by not less than fifty  
19 (50) qualified electors of the county residing within each  
20 supervisors district. The petition of nomination must include the  
21 name of the political party with which the candidate is  
22 affiliated. Where there are fewer than one hundred (100)  
23 qualified electors in the supervisors district, it shall only be  
24 required that the petition of nomination be signed by at least  
25 twenty percent (20%) of the qualified electors of such supervisors  
26 district. The candidate in each supervisors district who receives  
27 a majority of the votes cast in the district shall be elected. If  
28 no candidate receives a majority of the votes cast in the general  
29 election, then the two (2) candidates who receive the highest

30 number of votes cast in the district shall have their names  
31 submitted as candidates in a run-off election two (2) weeks after  
32 the date of the general election, and the candidate who receives a  
33 majority of the votes cast in the district in the run-off election  
34 shall be elected.

35 (2) When any member of the county board of education is to  
36 be elected from the county at large under the provisions of this  
37 chapter, then the petition required by the preceding paragraph  
38 hereof shall be signed by the required number of qualified  
39 electors residing in any part of the county outside of the  
40 territory embraced within a municipal separate school district or  
41 special municipal separate school district. The candidate who  
42 receives a majority of the votes cast in the county shall be  
43 elected. If no candidate receives a majority of the votes cast in  
44 the general election, then the two (2) candidates who receive the  
45 highest number of votes cast in the county shall have their names  
46 submitted as candidates in a run-off election two (2) weeks after  
47 the date of the general election, and the candidate who receives a  
48 majority of the votes cast in the county in the run-off election  
49 shall be elected.

50 (3) In no case shall any qualified elector residing within a  
51 municipal separate school district or special municipal separate  
52 school district be eligible to sign a petition of nomination for  
53 any candidate for the county board of education under any of the  
54 provisions of this section.

55 **SECTION 2.** The Attorney General of the State of Mississippi  
56 shall submit this act, immediately upon approval by the Governor,  
57 or upon approval by the Legislature subsequent to a veto, to the  
58 Attorney General of the United States or to the United States  
59 District Court for the District of Columbia in accordance with the  
60 provisions of the Voting Rights Act of 1965, as amended and  
61 extended.

62           **SECTION 3.** This act shall take effect and be in force from  
63 and after the date it is effectuated under Section 5 of the Voting  
64 Rights Act of 1965, as amended and extended, or July 1, 2007,  
65 whichever is later.