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Chapter No. 510
12/SS01/R242SG
JW 120/78

SENATE BILL NO. 2074

Originated in Senate *J. Welch* Secretary

SENATE BILL NO. 2074

AN ACT TO AMEND SECTIONS 37-7-211, 37-7-215, 37-7-217, 37-7-219 AND 37-7-213, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFYING DEADLINE FOR CANDIDATES FOR THE BOARD OF TRUSTEES OF ADDED TERRITORY IN CERTAIN MUNICIPAL SEPARATE SCHOOL DISTRICTS AND PROVIDE THAT THE ELECTION SHALL BE CONDUCTED BY THE COUNTY ELECTION COMMISSIONERS AND TO REMOVE THE PROHIBITION THAT NO PERSON WHO IS NOT PRESENT AT THE TIME AND PLACE OF HOLDING A CERTAIN ELECTION SHALL BE ELIGIBLE TO VOTE; TO REPEAL SECTION 37-7-213, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A NOTICE OF ELECTION FOR THE BOARD OF TRUSTEES REPRESENTING THE ADDED TERRITORY OF CERTAIN MUNICIPAL SEPARATE SCHOOL DISTRICTS TO BE POSTED, PUBLISHED AND ANNOUNCED IN A CERTAIN MANNER; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-7-211, Mississippi Code of 1972, is amended as follows:

37-7-211. (1) The name of any qualified elector who is otherwise eligible under the provisions of subsection (1) of Section 37-7-203 who shall desire to be a candidate for the office of trustee must qualify in the following manner in order to be allowed to be considered for election. By 5:00 p.m. at least sixty (60) days before the election he shall file with the county election commissioners, a petition signed by not less than twenty-five (25) qualified electors of the area represented by the office which he seeks, either for a full term or an unexpired term, as the case may be, and an affidavit by the candidate offering for election stating his qualifications under the terms of the section. The petition shall contain an affidavit certifying that all signatures are the personal signatures of each person whose name appears on the petition and that each person is a qualified elector.

(2) Unless the petition and affidavit required in subsection (1) of this section is filed by 5:00 p.m. not less than sixty (60) days prior to the election, the name of the candidate shall not be considered in the election, and votes cast for any person who has failed to qualify shall not be counted in the election.

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

SECTION 2. Section 37-7-215, Mississippi Code of 1972, is amended as follows:

37-7-215. * * *

All such elections shall be held on the first Tuesday after the first Monday in November of each year and in the same manner as general state and county elections are held and conducted. In the event a runoff is necessary the runoff shall be held three (3) weeks thereafter.

SECTION 3. Section 37-7-217, Mississippi Code of 1972, is amended as follows:

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

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

(3) A person elected shall * * * assume the duties of his office for the full term on the first day of January if the election is for the full term. A person elected to an unexpired term shall assume office immediately.

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

(5) If a person does not receive a majority of the votes cast at the election, a runoff shall be held between the two (2) persons receiving the highest number of votes at the first election * * *.

SECTION 4. Section 37-7-219, Mississippi Code of 1972, is amended as follows:

37-7-219. (1) For the purpose of holding such an election, it shall be the duty of the county election commissioners to prepare from the records in the office of the county registrar a list of the qualified electors of the school district who are eligible to participate in the election. The list shall be furnished to the election managers in each precinct, together with the ballots and other election supplies. * * *

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

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

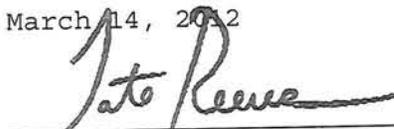
SECTION 5. Section 37-7-213, Mississippi Code of 1972, which provides for a notice of election for the board of trustees

representing the added territory of certain municipal separate school districts to be posted, published and announced in a certain manner, is repealed.

SECTION 6. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 7. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

PASSED BY THE SENATE
March 14, 2012



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 5, 2012



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR
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