

# School Board Elections

*Presented by:*

*Kim Turner*

*Assistant Secretary of State, Elections Division*

*Mississippi Secretary of State's Office*



DELBERT HOSEMANN

*Secretary of State*

# County Board of Education

- **Members:**

- Five (5) Members

*Reference: Miss. Code Ann. § 37-5-1*

- **Election:**

- One (1) shall be elected by the qualified electors of each board of education district of the county.
- Each member elected shall be a resident and qualified elector of the district from which he is elected.
- Districts apportioned by the Board of Education and redistricting occurs every ten (10) years.
- No person who is a resident of the territory embraced within a municipal separate school district or special municipal separate school district shall be eligible to be a member of the county board of education.

*Reference: Miss. Code Ann. § 37-5-3*



---

DELBERT HOSEMANN  
*Secretary of State*

# County Board of Education

- **Terms:**

- Upon organization, members are elected to create staggered terms.
- Thereafter, members shall be elected at general elections (November) as vacancies occur for terms of six (6) years each.

*Reference: Miss. Code Ann. § 37-5-7*

- **Office:**

- All members take office on the first Monday of January following the date of their election.

*Reference: Miss. Code Ann. § 37-5-7*

Districts	Next Election
Dist. 1 & 2	2016
Dist. 3 & 4	2018
Dist. 5	2014



DELBERT HOSEMANN  
*Secretary of State*

# County Board of Education

- **Placing a Candidate's name on the Ballot:**
  - The candidate's name shall be placed on the ballot used in general elections provided:
    - That the candidate files with the county election commissioners not more than ninety (90) days and not less than sixty (60) days prior to the date of the election.
    - The petition of nomination is signed by not less than fifty (50) qualified electors of the county residing within each supervisors district.

*Reference: Miss. Code Ann. § 37-5-9*



DELBERT HOSEMANN  
*Secretary of State*

# County Board of Education

- **Exceptions:**

- If there are less than 100 qualified electors, signatures of only 20% of the registered voters is required.
- When a member is to be elected from the county at large, the petition shall be signed by the required number of qualified electors residing in any part of the county outside of the territory embraced within a municipal separate school district or special municipal separate school district.

*Reference: Miss. Code Ann. § 37-5-9*



---

DELBERT HOSEMANN  
*Secretary of State*

# County Board of Education

- **Members Elected from Special Districts**
  - In any county bordering on the Mississippi Sound and having therein at least four (4) municipal separate school districts, each member shall be elected from and shall be a resident and qualified elector in a special district.
  - The special district is apportioned by the board of education nearly as equally as possible according to population, incumbency and other factors.

*Reference: Miss. Code Ann. § 37-5-18*



---

DELBERT HOSEMANN  
*Secretary of State*

# County Board of Education

- **Vacancies:**

- Vacancies shall be filled:
  - By appointment;
  - Within sixty (60) days after the vacancy occurs;
  - By the remaining member of the county board of education.
- The appointee shall be selected from the qualified electors of the district in which the vacancy occurs.

*Reference: Miss. Code Ann. 37-5-19*



---

DELBERT HOSEMANN  
*Secretary of State*

# County Board of Education

- **Vacancies and Term**

- Appointees shall serve until the first Monday of January next succeeding the next general election.
  - At the next general election, a member shall be elected to fill the remainder of the unexpired term in the same manner and with the same qualifications applicable to the election of a member for full term.
  - If the vacancy occurs more than five (5) months prior to the next general election and the remaining members are unable to agree upon an individual to be appointed, any two members may certify such disagreement to the county election commission.
  - Upon the receipt of the certificate, the commission shall hold a special election to fill the vacancy.
  - Notice and ballots shall be controlled by the laws of special election.
- The person elected shall serve for the remainder of the unexpired term.

*Reference: Miss. Code Ann. § 37-5-19*



---

DELBERT HOSEMANN  
*Secretary of State*

# County Board of Education

- **Conservatorship:**

- If the school district is under a conservatorship and no members remain in office, the Governor shall call a special election to fill the vacancies.

*Reference: Miss. Code Ann. § 37-5-19*



---

DELBERT HOSEMANN  
*Secretary of State*

# County Superintendents of Education

- **Members:**

- There shall be a county superintendent of education in each county.

*Reference: Miss. Code Ann. § 37-5-61*

- **Term:**

- The superintendent shall be elected at the same time and in the same manner as other county officers are elect and shall hold office for a term of four (4) years.

*Reference: Miss. Code Ann. § 37-5-61*

- **Qualifications:**

- Each school district shall have a superintendent of schools.
- No person shall be eligible to hold the office unless such person holds:
  - A valid administrator's license, and
  - Has not less than four (4) years of classroom or administrative experience.

*Reference: Miss. Code Ann. § 37-9-13*



---

DELBERT HOSEMANN  
*Secretary of State*

# County Superintendents of Education

- **Appointments:**

- Notwithstanding the provisions of Miss. Code Ann. § 37-5-61, the office may be made appointive in any county in the manner provided:
  - Filing of the petition signed by not less than twenty (20) percent of the qualified electors.
  - It is the duty of the board of supervisors to call a special election within sixty (60) days after the filing.
  - At the special election, the question of whether the office shall continue to be elective or changed to appointment shall be submitted to the qualified electors.

*Reference: Miss. Code Ann. § 37-5-63*



---

DELBERT HOSEMANN  
*Secretary of State*

# County Superintendents of Education

- **Special Election:**

- The order calling the special election shall designate the date that the election will be held.
- Notice shall be published once a week for at least three (3) consecutive weeks in at least one newspaper published in that county.
  - The first publication shall be made not less than 21 days prior to the election and the last publication shall not be made more than seven days prior to the election.
- The special election shall be held in the same manner as other elections.
- No special election shall be held more often than once in every 4 years and no change from the elective to the appointive method shall become effective except at the expiration of the term.

*Reference: Miss. Code Ann. § 37-5-63*



---

DELBERT HOSEMANN  
*Secretary of State*

# County Superintendents of Education

- **Vacancy:**

- A vacancy will be filed by appointment by the county board of education.
- If the unexpired terms exceeds six (6) months, it shall be the duty of the board of supervisors of the county to call a special election to fill such vacancy for such unexpired term.

*Reference: Miss. Code Ann. § 37-5-75*

- If the person appointed shall hold office only until such election is held, and the person elected shall qualify and enter upon the discharge of his duties.



---

DELBERT HOSEMANN  
*Secretary of State*

# Board of Trustees

- **Qualifications:**

- Must be a bona fide resident and a qualified elector of the school district.
- If the school district is in two (2) or more counties, but not including a municipal separate school district, such person must be a bona fide resident and a qualified elector of the territory entitled to such representation on the board.

*Reference: Miss. Code Ann. § 37-7-201*



---

DELBERT HOSEMANN  
*Secretary of State*

# Board of Trustees

- **Board of Trustees:**

- 5 members;
- Term of 5 years.

*Reference: Miss. Code Ann. § 37-7-203*

- The members were so chosen that the term of office of one member shall expire each year.
- The trustees of a municipal separate school district shall be elected by a majority of the governing authorities of the municipality, and the term of office shall commence on the first Saturday of March.



---

DELBERT HOSEMANN  
*Secretary of State*

# Board of Trustees

- **Vacancy:**

- If there is a vacancy and the next regular school board election at which the vacancy may be filled is less than one year from the date of the resignation, the school board may appoint an interim board member to fill in until a duly qualified successor takes office.
- He shall serve until the new board member is duly elected to fill the unexpired term, pursuant to an election held at the next regularly scheduled school board election held in the county.

*Reference: Miss. Code Ann. § 37-7-204*



---

DELBERT HOSEMANN  
*Secretary of State*

# Board of Trustees

- **Trustees of Reconstituted or New Districts:**
  - The first board of trustees shall be appointed by the county board of education, and appointed to create staggered terms.
  - After such appointments, the trustees shall be elected by the qualified electors of such school district, in the regular manner.
  - The board of trustees shall apportion the consolidated school district into five (5) special trustee election districts, and it shall place upon its minutes the boundaries for each district.
  - The first election to be held for all positions shall be done to create staggered terms, with one position expiring each year for five (5) years. Then, each position will be elected for a five (5) year term.

*Reference: Miss. Code Ann. § 37-7-207*



DELBERT HOSEMANN  
*Secretary of State*

# Board of Trustees

- **Filing a Petition:**

- Any qualified elector who desires to be a candidate for the office of trustee must qualify by:
  - Filing a petition signed by not less than fifty (50) qualified electors of the area represented by the office, not more than ninety (90) and not less than sixty (60) days before the election by 5:00 PM, and
  - The petition shall contain an affidavit certifying that all signatures are the personal signature of each person whose name appears on the petition and that they are a qualified elector.
  - An affidavit by the candidate stating his qualifications.
  - 2014: Legislature changed requirement from thirty-five (35) to fifty (50) signatures and limited filing time to between sixty (60) and ninety (90) days from election.
- If the candidate does not meet the deadline, he shall not be considered for election.

*Reference: Miss. Code Ann. § 37-7-211*



---

DELBERT HOSEMANN  
*Secretary of State*

# Board of Trustees

- **Time of Election**

- All 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.
- If a runoff election is necessary, it shall be held three weeks thereafter.

*Reference: Miss. Code Ann. § 37-7-215*

- **Election Procedures**

- The county election commissioners shall make clear on the ballot the candidates running for a full term and candidates running for unexpired terms.
- Persons 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.

*Reference: Miss. Code Ann. § 37-7-217*

Note: Unexpired Term: elected person shall assume office immediately.



---

DELBERT HOSEMANN  
*Secretary of State*

# Board of Trustees

- **Qualified Elector List:**

- It is the duty of the county election commissioner to prepare a list of all qualified electors who are eligible to participate in the election.
- The list shall be furnished to the election managers in each precinct.

*Reference: Miss. Code Ann. § 37-7-219*

- If the election precinct embraces parts of two or more school districts it shall be the duty of the county election commissioner to prepare separate lists of the qualified electors.



---

DELBERT HOSEMANN  
*Secretary of State*

# Board of Trustees

## • Consolidated or Consolidated Line School District Elections:

- All elections shall be held on the first Tuesday, after the first Monday, in November of each year in the same manner as general state and county elections are held and conducted.

*Reference: Miss. Code Ann. § 37-7-223*

- Petition of Nomination

- The petition of nomination must be filed not more than ninety (90) days and by 5:00 PM and not less than sixty (60) days prior to the date of election.
  - It must have fifty (50) signatures of qualified electors.
  - If there are less than one hundred (100) qualified electors, it must have twenty percent (20%) of the total number.

*Reference: Miss. Code Ann. § 37-7-225*

*Reference: Miss. Code Ann. § 37-7-221*



---

DELBERT HOSEMANN  
*Secretary of State*

# Special Municipal Separate School Districts

## Two types of Special Municipal Separate School Districts:

- **Majority of Residents Reside Within the Municipality**

- The board of trustees of such special municipal separate school district shall be chosen and selected in the manner provided by subsection 1 of § 37-7-203, and all of the provisions thereof shall be fully applicable in all respects to the selection and constitution of such board of trustees.

*Reference: Miss. Code Ann. § 37-7-703*

- **Majority of Residents Reside Outside the Municipality**

- The board of trustees shall be constituted in accordance with Miss. Code Ann. § 37-7-707 through § 37-7-711, unless the governing authorities of the municipality and county provide for an alternative as provided by § 37-7-715 and § 37-7-717.

*Reference: Miss. Code Ann. § 37-7-705*



DELBERT HOSEMANN  
*Secretary of State*

# Special Municipal Separate School Districts

- **Trustee Election:**

- In special municipal separate school districts which may be organized, reorganized or reconstituted to embrace the entire county in which the majority of the inhabitants reside outside the corporate limits, the board of trustees shall be composed of five (5) members, one (1) of which shall be a resident qualified elector of each supervisors district of the county.
- He shall be elected *at large* by qualified electors at the first regular general election following the approval by the state educational finance commission.
- He shall take office the first Monday of January following the election.

*Reference: Miss. Code Ann. § 37-7-707*



---

DELBERT HOSEMANN  
*Secretary of State*

# Special Municipal Separate School Districts

- **Terms:**

- Upon Organization, districts shall be elected to create staggered terms.
  - Districts one and five: six (6) years
  - Districts three and four: four (4) years
  - District two: two (2) years
- Thereafter, members shall be elected at regular general elections as vacancies occur for terms of six (6) years each and shall take office on the first Monday of January after the election.

*Reference: Miss. Code Ann. § 37-7-707*



---

DELBERT HOSEMANN  
*Secretary of State*

# Special Municipal Separate School Districts

- **Vacancies:**

- All vacancies which may occur during the term of office shall be filled by appointment by the remaining members of the board of trustees.
- Such appointee to have the same qualifications as other members of the board and reside in the same supervisors district as the former member whose death, removal or resignation caused the vacancy.
- Such appointment shall be made within thirty (30) days after the vacancy occurs.
- The person so appointed shall serve only until the first Monday of January, following the next regular general election after such appointment.
- At the regular general election next, preceding such first Monday in January, a person shall be elected for the remainder of the unexpired term at the same time and in the same manner as a trustee is elected for the full term next expiring.
- Such person shall take office on said first Monday of January.

*Reference: Miss. Code Ann. § 37-7-707*



---

DELBERT HOSEMANN  
*Secretary of State*

# Special Municipal Separate School Districts

- **Petitions:**

- The name of any qualified elector who is a candidate for the board of trustees of such special municipal separate school district, whether such person be a candidate for an unexpired term or for a full term, shall be placed on the ballot used in the elections.
- The candidate must file with the county election commissioners, not more than ninety (90) days and not less than sixty (60) days prior to the date of such general election, a petition of nomination.
  - Signed by not less than fifty (50) qualified electors of the county.
- 2014: Legislature changed filing period from thirty (30) to ninety (90) days, and signature requirement from one hundred fifty (150) to make petition requirement for all school boards the same.
- The candidate in each election who receives a highest number of votes cast in the election shall be declared to have been elected.

*Reference: Miss. Code Ann. § 37-7-711*



---

DELBERT HOSEMANN  
*Secretary of State*

# Special Municipal Separate School Districts

- **Trustee Selected in Certain Districts:**
  - In all special municipal separate school districts where the district embraces less than the entire area of the county and where the majority of the educable children of such district reside outside the limits of the municipality the said special municipal separate school district shall be governed by a board of trustees.
  - Consists of five members, to be elected by the qualified electors of such municipal separate school district from the district at large in the manner provided by Miss. Code Ann. § 37-7-209 to Miss. Code Ann. § 37-7-219 and all duties imposed upon the county superintendent of education by said sections with reference to such elections shall be imposed upon and performed by the superintendent of the municipal separate school district.

*Reference: Miss. Code Ann. § 37-7-713*



DELBERT HOSEMANN  
*Secretary of State*

# Special Municipal Separate School Districts

## • **Trustees Selected in Certain Districts Continued:**

- The first board of trustees of such special municipal separate school district shall be appointed in the following manner:
  - The governing authorities of the municipality shall appoint three (3) trustees.
    - One (1) trustee shall be appointed to serve:
      - Until the first Saturday of March following such appointment,
      - One for two (2) years longer, and
      - One for four (4) years longer.
  - The board of education of the county shall appoint two (2) trustees.
    - One (1) trustee shall be appointed to serve:
      - Until the first Saturday of March of the second year following appointment, and
      - One trustee for two (2) years longer.
- After such original appointments the trustees of such a special municipal separate school district shall be elected for a term of five (5) years, as herein provided.



DELBERT HOSEMANN  
*Secretary of State*

# Special Municipal Separate School Districts

- **Trustees Selected in Certain Districts Continued:**
  - All such members of said board of trustees shall be residents and qualified electors of such school district.
- **Vacancy:**
  - All vacancies which may occur during a term of office shall be filled by appointment by the remaining members of the board of trustees, such appointee to have the same qualifications as other members of the board. Such appointment shall be made within thirty (30) days after the vacancy occurs. The person so appointed shall serve only until his successor shall have qualified. The successor to serve the remainder of the unexpired term shall be elected on the first Saturday of March next following the occurrence of such vacancy.

*Reference: Miss. Code Ann. § 37-7-713*



---

DELBERT HOSEMANN  
*Secretary of State*

# Special Municipal Separate School Districts

- **Trustees selected by agreement:**
  - Upon the organization, reorganization or reconstitution of any special municipal separate school district, the board of supervisors of the county wherein such special municipal separate school district is located and the governing authorities of the municipality may, by an order spread upon their minutes within sixty (60) days after such organization, reorganization or reconstitution shall have become final, expressing an agreement between both such governing authorities, choose to constitute the board of such special municipal separate school district under one of the optional methods of organization set out in Miss. Code Ann. § 37-7-717.

*Reference: Miss. Code Ann. § 37-7-715*



---

DELBERT HOSEMANN  
*Secretary of State*

# Special Municipal Separate School Districts

- **Trustees Selected by Agreement Continued:**
  - In the event that both the governing authorities hereinabove referred to shall enter such an order within said period, then the board of trustees shall be thereafter constituted and selected according to the terms of such agreement, provided such agreement is in conformity with the terms of Miss. Code Ann. § 37-7-717
  - It is further expressly provided that irregularities of a procedural nature in the adoption of such orders shall not affect the validity of the same or the validity of any acts of the board of trustees which may be constituted by virtue thereof.



DELBERT HOSEMANN  
*Secretary of State*

# Special Municipal Separate School Districts

- **Organization and selection process:**

- The board of supervisors of any county wherein there is a special municipal separate school district and the governing authorities of the municipality may provide that the board of trustees of such special municipal separate school district shall be organized and constituted in one of the following manners:
  - The board may consist of five (5) members,
    - All of whom shall be bona fide residents of and qualified electors of such school districts and
    - Who shall be appointed by:
      - Either the board of supervisors, the governing authorities of the municipality, or
      - By both of said bodies in such proportion as the governing bodies may agree upon.

*Reference: Miss. Code Ann. § 37-7-717*



DELBERT HOSEMANN  
*Secretary of State*

# Special Municipal Separate School Districts

- District board of trustees to supersede county board in county-wide districts
  - County board of education to discontinue if special municipal separate school district embraces and includes the entire county.
- District superintendent to supersede county superintendent of education in county-wide districts
  - County superintendent of education shall be abolished and discontinued in counties where special municipal separate school district embraces and includes the entire county.

*Reference: Miss. Code Ann. 37-7-723 & 37-7-725*



DELBERT HOSEMANN  
*Secretary of State*

# Contact Information

*Mississippi Secretary of State's Office  
Elections Division*

*P.O. Box 136  
Jackson, MS 39205  
(601) 576-2550*

*Elections hotline 1-(800)829-6786*

*[www.sos.ms.gov](http://www.sos.ms.gov)*



---

**DELBERT HOSEMANN**  
*Secretary of State*