



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

August 25, 2025

Rick Norton, Esq.
School Board Attorney
Lamar County School District
Post Office Box 18109
Hattiesburg, Mississippi 39404-8109

Re: Qualification of School Board Candidates in Special Election

Dear Mr. Norton:

The Office of the Attorney General has received your request for an official opinion.

Background

According to your request, Lamar County School Board District “C” is located partially in Lamar County and partially in Pearl River County. A special election is needed to fill a vacancy for Lamar County School District “C” representative, which the school board intends to hold during the upcoming general election. The procedures for filling a vacancy in a county school board seat by a special election are governed by Mississippi Code Annotated Section 23-15-839 as set forth in Section 37-5-19. Section 23-15-839 requires a candidate to qualify with the county election commission at least seventy-five (75) days before the election. The question arises: which county election commission must candidates qualify with, since Section 23-15-839 only contemplates a single county being involved. Accordingly, you request an opinion as to whether candidates are required to file with both county election commissions, or are they only required to file with one.

Questions Presented

1. Where do candidates for Lamar County School Board, District “C” qualify —Lamar County, Pearl River County, or both?
2. If both, what is the procedure if one county election commission disqualifies them but the other places them on the ballot?
3. If they are only required to file with one, is it with the county they reside in or with Lamar County since that is where the majority of the territory is located?

Brief Response

1. In MS AG Op., *Eskridge* at *2 (Aug. 16, 1996), this office opined, “for the single-member districts that lie partially in both counties, a candidate may have a single qualifying petition signed by qualified electors of the district regardless of county in which they may reside. Such qualifying petition should be filed in the county in which the school superintendent’s office is located.”
2. Given the response to question one, this question is moot.
3. Please see response to question one.

Applicable Law and Discussion

Pursuant to Section 37-5-19, when a county school board “vacancy occurs more than five (5) months prior to the next general election and the remaining members of the county board of education are unable to agree upon an individual to be appointed, any two (2) of the remaining members may certify such disagreement to the county election commission.” Thereafter, “the commission shall hold a special election to fill the vacancy, which said election, notice thereof and ballot shall be controlled by the laws concerning special elections to fill vacancies in county or county district offices.” Miss. Code Ann. § 37-5-19. These procedures are set forth in Section 23-15-839 and provide in relevant part that “[t]he board of supervisors of the county shall, within ten (10) days after the vacancy occurs, make an order, in writing, directed to the election commissioners, commanding an election to be held on the next regular special election day to fill the vacancy.” Thereafter, “[t]he election commissioners shall require each candidate to qualify at least seventy-five (75) days before the date of the election.” Miss. Code Ann. § 23-15-839.

Section 23-15-833, regarding special elections generally, further states that “[a]ll special elections, or elections to fill vacancies, shall in all respects be held, conducted and returned in the same manner as general elections.” Specific to school board qualification, Section 37-7-201 provides, “to be eligible to hold the office of trustee . . . of a school district lying in two or more counties . . . such person must be a bona fide resident and a qualified elector of the territory entitled to such representation on the board.” Finally, in regard to filing a qualifying petition for a school district lying in two or more counties, our office has opined:

[F]or the single-member districts that lie partially in both counties, a candidate may have a single qualifying petition signed by qualified electors of the district regardless of county in which they may reside. Such qualifying petition should be filed in the county in which the school superintendent’s office is located. A Circuit Clerk verifying signatures on a petition should forward an official certification of the valid signatures to the Circuit Clerk and election commissioners of the other county for purposes of ensuring that the candidate’s name appears on the appropriate ballots.

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MS AG Op., *Eskridge* at *2.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Maggie Kate Bobo*

Maggie Kate Bobo
Special Assistant Attorney General

OFFICIAL OPINION