

By: Howell

To: Education;  
Apportionment and  
Elections

HOUSE BILL NO. 87  
(As Passed the House)

1 AN ACT TO AMEND SECTION 37-5-71, MISSISSIPPI CODE OF 1972, TO  
2 PROHIBIT VOTERS WITHIN CERTAIN MUNICIPAL SEPARATE OR SPECIAL  
3 MUNICIPAL SEPARATE SCHOOL DISTRICTS FROM PARTICIPATING IN THE  
4 ELECTION OF THE COUNTY SUPERINTENDENT OF EDUCATION; AND FOR  
5 RELATED PURPOSES.

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

7 SECTION 1. Section 37-5-71, Mississippi Code of 1972, is  
8 amended as follows:

9 37-5-71. (1) The county superintendents of education shall  
10 be elected in the manner prescribed by the provisions of this  
11 chapter, unless such office be made appointive as provided in this  
12 chapter, in which case the county superintendent shall be  
13 appointed by the county board of education or by the trustees of a  
14 separate school district embracing an entire county with a  
15 population of fifteen thousand (15,000) or less, as provided in  
16 subsection (2) of Section 37-7-203. In all cases he shall have  
17 such qualifications as prescribed by Section 37-9-13 and receive  
18 such compensation as \* \* \* established under Section  
19 37-9-37 \* \* \*.

20 (2) All qualified electors residing within any municipal  
21 separate or special municipal separate school district shall not  
22 vote in the election for the county superintendent of education:

23 (a) In all counties of the second class which have a  
24 population, according to the 1960 federal decennial census of at  
25 least thirty-three thousand (33,000) and less than thirty-four  
26 thousand (34,000), and having a city located therein which is the  
27 Southern Division of the A.T.&S.F. Railroad Company;

28           (b) In all counties of the fourth class which have a  
29 population, according to the 1960 federal decennial census, in  
30 excess of twenty-six thousand (26,000) and less than twenty-seven  
31 thousand (27,000), and having located therein the Mississippi  
32 State University of Agriculture and Applied Science;

33           (c) In all counties of the first class which have a  
34 population, according to the 1960 federal decennial census, in  
35 excess of forty-six thousand (46,000) and less than forty-seven  
36 thousand (47,000), and having located therein the Mississippi  
37 University for Women;

38           (d) In any county bordering on the Mississippi Sound  
39 and having a population in excess of one hundred thousand  
40 (100,000), according to the 1960 federal decennial census, and  
41 having an assessed valuation in excess of Seventy Million Dollars  
42 (\$70,000,000.00);

43           (e) In any county having a population in excess of  
44 eight thousand (8,000) and less than nine thousand (9,000), and  
45 having an assessed valuation in excess of Five Million Dollars  
46 (\$5,000,000.00) but less than Six Million Dollars (\$6,000,000.00)  
47 in 1960;

48           (f) In any county having a population in excess of  
49 twenty-two thousand (22,000) and less than twenty-three thousand  
50 (23,000) in 1960, and having a total assessed valuation in excess  
51 of Thirteen Million Dollars (\$13,000,000.00) in 1960;

52           (g) In any county having a population in excess of  
53 fifty-nine thousand (59,000) but less than sixty thousand  
54 (60,000), according to the 1960 federal decennial census;

55           (h) In any county bordered on the east by the Alabama  
56 line and on the south by the Mississippi Sound;

57           (i) In any county where Mississippi Highway 35 crosses  
58 U.S. Highway 80 and whose population, according to the 1960  
59 regular census, was between twenty-one thousand (21,000) and  
60 twenty-two thousand (22,000), and in which there are located four

61 (4) or more chicken packing plants, one (1) zipper plant and one  
62 or more factories manufacturing Sunbeam electrical appliances;

63 (j) In any county having a population of twenty-six  
64 thousand one hundred ninety-eight (26,198) according to the 1970  
65 census wherein Highways 51 and 84 intersect;

66 (k) In any county having a municipal separate school  
67 district lying therein, having a population in excess of  
68 twenty-one thousand (21,000) but less than twenty-one thousand  
69 five hundred (21,500), according to the 1960 decennial census, and  
70 having a combined assessed valuation in 1963 in excess of Sixteen  
71 Million Nine Hundred Thousand Dollars (\$16,900,000.00) but less  
72 than Seventeen Million Dollars (\$17,000,000.00) according to the  
73 State Tax Commission's compilation;

74 (l) In any county where Mississippi Highway 15 crosses  
75 Mississippi Highway 16, whose population was more than twenty  
76 thousand (20,000) and less than twenty-one thousand (21,000),  
77 according to the regular 1960 census, and within which there is  
78 located a Choctaw Indian reservation and school operated by the  
79 United States government;

80 (m) In any county where U.S. Highway 45W Alternate  
81 intersects Mississippi Highway 50, and having a population of  
82 eighteen thousand nine hundred thirty-three (18,933), according to  
83 the 1960 federal census;

84 (n) In any county having a population in excess of  
85 forty thousand five hundred (40,500), according to the 1960  
86 federal decennial census, wherein U.S. Highways 78 and 45  
87 intersect, and wherein there is a United States fish hatchery;

88 (o) In any county being traversed by Mississippi  
89 Highway 15 and U.S. Interstate Highway 20;

90 (p) In all counties wherein there is located a national  
91 military park and a national cemetery;

92 (q) In any county where U.S. Highway 82 crosses U.S.  
93 Interstate Highway 55 and having a population of twelve thousand

94 three hundred eighty-seven (12,387) according to the 1990 federal  
95 decennial census.

96 In any such county, however, the county superintendent of  
97 education may be a resident of a municipal separate school  
98 district or special municipal separate school district.

99 (3) The qualified electors residing within the municipal  
100 separate school districts shall not participate in the election of  
101 the county superintendent of education:

102 (a) In any county having a population of more than  
103 twenty-seven thousand (27,000) and less than twenty-eight thousand  
104 (28,000) and containing therein a municipality having a population  
105 in excess of three thousand (3,000), according to the 1960 federal  
106 decennial census;

107 (b) In any Class 1 county wherein is located a  
108 state-supported university and a National Guard camp, and in which  
109 Interstate Highway 59 and U.S. Highway 49 intersect;

110 (c) In any Class 4 county having two (2) judicial  
111 districts, wherein is partially located a national forest, and  
112 wherein Mississippi Highways 8 and 15 intersect;

113 (d) In any Class 2 county, the southern boundary of  
114 which partially borders on the State of Louisiana, traversed by  
115 U.S. Highway 98 which intersects Mississippi Highway 13, with a  
116 land area of five hundred fifty (550) square miles and having a  
117 population of twenty-three thousand two hundred ninety-three  
118 (23,293) in the 1960 federal decennial census;

119 (e) In any county bordering on the Gulf of Mexico or  
120 the Mississippi Sound having therein a test facility operated by  
121 the National Aeronautics and Space Administration;

122 (f) In any county having a population in excess of  
123 twenty-seven thousand one hundred seventy-nine (27,179) according  
124 to the 1970 federal decennial census, wherein U.S. Highways 45 and  
125 72 intersect; and

126 (g) In any Class 1 county bordering on the Pearl River

127 in which U.S. Highway 80 intersects Mississippi Highway 18 and  
128 having a population, according to the federal decennial census of  
129 1970, of forty-three thousand nine hundred thirty-three (43,933).

130 (4) The county superintendent of education, with the  
131 approval of the county board of education by its first having  
132 adopted a resolution of approval and spread upon its minutes,  
133 shall be elected from the county at large, exclusive of the  
134 municipal separate school district boundaries:

135 (a) In any county bordering on the State of Tennessee  
136 having a land area of seven hundred ten (710) square miles,  
137 wherein is located part of a national forest, and wherein U.S.  
138 Highway 78 and Mississippi Highway 7 intersect;

139 (b) In any Class 4 county wherein is located the  
140 state's oldest state-supported university, in which Mississippi  
141 Highways 6 and 7 intersect; and

142 (c) In any county having a population in excess of  
143 seventeen thousand (17,000) and less than eighteen thousand  
144 (18,000), according to the 1970 federal decennial census, wherein  
145 Mississippi Highways 6 and 9 intersect.

146 (5) In any county having a municipality of between  
147 forty-nine thousand (49,000) and fifty thousand (50,000)  
148 population according to the 1960 federal census, and adjoining the  
149 Alabama line, wherein U.S. Highways 80 and 45 intersect, the  
150 qualified electors residing within any municipal separate school  
151 district shall not participate in the election of the county  
152 superintendent of education, and such county superintendent of  
153 education shall not be a resident of a municipal separate school  
154 district.

155 (6) In any county traversed by the Natchez Trace Parkway  
156 wherein U.S. Highway 45 and Mississippi Highway 4 intersect and  
157 having a population of seventeen thousand nine hundred forty-nine  
158 (17,949) according to the 1960 federal census, the qualified  
159 electors residing within any municipal separate school district

160 shall not participate in the election of the county superintendent  
161 of education, and such county superintendent of education shall  
162 not be a resident of a municipal separate school district.

163 SECTION 2. The Attorney General of the State of Mississippi  
164 shall submit this act, immediately upon approval by the Governor,  
165 or upon approval by the Legislature subsequent to a veto, to the  
166 Attorney General of the United States or to the United States  
167 District Court for the District of Columbia in accordance with the  
168 provisions of the Voting Rights Act of 1965, as amended and  
169 extended.

170 SECTION 3. This act shall take effect and be in force from  
171 and after the date it is effectuated under Section 5 of the Voting  
172 Rights Act of 1965, as amended and extended.