

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 87**

**By Senator(s) Committee**

7        **Amend by striking all after the enacting clause and inserting**  
8 **in lieu thereof the following:**

9

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

12        37-5-71. (1) The county superintendents of education shall  
13 be elected in the manner prescribed by the provisions of this  
14 chapter, unless such office be made appointive as provided in this  
15 chapter, in which case the county superintendent shall be  
16 appointed by the county board of education or by the trustees of a  
17 separate school district embracing an entire county with a  
18 population of fifteen thousand (15,000) or less, as provided in  
19 subsection (2) of Section 37-7-203. In all cases he shall have  
20 such qualifications as prescribed by Section 37-9-13 and receive  
21 such compensation as \* \* \* established under Section  
22 37-9-37 \* \* \*.

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

26            (a) In all counties of the second class which have a  
27 population, according to the 1960 federal decennial census of at  
28 least thirty-three thousand (33,000) and less than thirty-four  
29 thousand (34,000), and having a city located therein which is the

30 Southern Division of the A.T.&S.F. Railroad Company;

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

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

41           (d) In any county bordering on the Mississippi Sound  
42 and having a population in excess of one hundred thousand  
43 (100,000), according to the 1960 federal decennial census, and  
44 having an assessed valuation in excess of Seventy Million Dollars  
45 (\$70,000,000.00);

46           (e) In any county having a population in excess of  
47 eight thousand (8,000) and less than nine thousand (9,000), and  
48 having an assessed valuation in excess of Five Million Dollars  
49 (\$5,000,000.00) but less than Six Million Dollars (\$6,000,000.00)  
50 in 1960;

51           (f) In any county having a population in excess of  
52 twenty-two thousand (22,000) and less than twenty-three thousand  
53 (23,000) in 1960, and having a total assessed valuation in excess  
54 of Thirteen Million Dollars (\$13,000,000.00) in 1960;

55           (g) In any county having a population in excess of  
56 fifty-nine thousand (59,000) but less than sixty thousand  
57 (60,000), according to the 1960 federal decennial census;

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

60           (i) In any county where Mississippi Highway 35 crosses  
61 U.S. Highway 80 and whose population, according to the 1960  
62 regular census, was between twenty-one thousand (21,000) and  
63 twenty-two thousand (22,000), and in which there are located four  
64 (4) or more chicken packing plants, one (1) zipper plant and one

65 or more factories manufacturing Sunbeam electrical appliances;

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

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

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

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

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

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

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

95 (q) In any county where U.S. Highway 82 crosses U.S.  
96 Interstate Highway 55 and having a population of twelve thousand  
97 three hundred eighty-seven (12,387) according to the 1990 federal  
98 decennial census;

99 (r) In any county where U.S. Highway 49E and U.S.

100 Highway 82 intersect, and having a population of thirty-seven  
101 thousand three hundred forty-one (37,341) according to the 1990  
102 federal decennial census.

103 In any such county, however, the county superintendent of  
104 education may be a resident of a municipal separate school  
105 district or special municipal separate school district.

106 (3) The qualified electors residing within the municipal  
107 separate school districts shall not participate in the election of  
108 the county superintendent of education:

109 (a) In any county having a population of more than  
110 twenty-seven thousand (27,000) and less than twenty-eight thousand  
111 (28,000) and containing therein a municipality having a population  
112 in excess of three thousand (3,000), according to the 1960 federal  
113 decennial census;

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

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

120 (d) In any Class 2 county, the southern boundary of  
121 which partially borders on the State of Louisiana, traversed by  
122 U.S. Highway 98 which intersects Mississippi Highway 13, with a  
123 land area of five hundred fifty (550) square miles and having a  
124 population of twenty-three thousand two hundred ninety-three  
125 (23,293) in the 1960 federal decennial census;

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

129 (f) In any county having a population in excess of  
130 twenty-seven thousand one hundred seventy-nine (27,179) according  
131 to the 1970 federal decennial census, wherein U.S. Highways 45 and  
132 72 intersect; and

133 (g) In any Class 1 county bordering on the Pearl River  
134 in which U.S. Highway 80 intersects Mississippi Highway 18 and

135having a population, according to the federal decennial census of  
1361970, of forty-three thousand nine hundred thirty-three (43,933).

137 (4) The county superintendent of education, with the  
138approval of the county board of education by its first having  
139adopted a resolution of approval and spread upon its minutes,  
140shall be elected from the county at large, exclusive of the  
141municipal separate school district boundaries:

142 (a) In any county bordering on the State of Tennessee  
143having a land area of seven hundred ten (710) square miles,  
144wherein is located part of a national forest, and wherein U.S.  
145Highway 78 and Mississippi Highway 7 intersect;

146 (b) In any Class 4 county wherein is located the  
147state's oldest state-supported university, in which Mississippi  
148Highways 6 and 7 intersect; and

149 (c) In any county having a population in excess of  
150seventeen thousand (17,000) and less than eighteen thousand  
151(18,000), according to the 1970 federal decennial census, wherein  
152Mississippi Highways 6 and 9 intersect.

153 (5) In any county having a municipality of between  
154forty-nine thousand (49,000) and fifty thousand (50,000)  
155population according to the 1960 federal census, and adjoining the  
156Alabama line, wherein U.S. Highways 80 and 45 intersect, the  
157qualified electors residing within any municipal separate school  
158district shall not participate in the election of the county  
159superintendent of education, and such county superintendent of  
160education shall not be a resident of a municipal separate school  
161district.

162 (6) In any county traversed by the Natchez Trace Parkway  
163wherein U.S. Highway 45 and Mississippi Highway 4 intersect and  
164having a population of seventeen thousand nine hundred forty-nine  
165(17,949) according to the 1960 federal census, the qualified  
166electors residing within any municipal separate school district  
167shall not participate in the election of the county superintendent  
168of education, and such county superintendent of education shall  
169not be a resident of a municipal separate school district.

170 SECTION 2. The Attorney General of the State of Mississippi  
171 shall submit this act, immediately upon approval by the Governor,  
172 or upon approval by the Legislature subsequent to a veto, to the  
173 Attorney General of the United States or to the United States  
174 District Court for the District of Columbia in accordance with the  
175 provisions of the Voting Rights Act of 1965, as amended and  
176 extended.

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.