AN ACT TO AMEND SECTION 37-5-71, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT VOTERS WITHIN CERTAIN LINE CONSOLIDATED SCHOOL DISTRICTS FROM PARTICIPATING IN THE ELECTION OF THE COUNTY SUPERINTENDENT OF EDUCATION; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

(i) In any county where Mississippi Highway 35 crosses U.S. Highway 80 and whose population, according to the 1960 regular census, was between twenty-one thousand (21,000) and twenty-two thousand (22,000), and in which there are located four or more chicken packing plants, one (1) zipper plant and one or more factories manufacturing Sunbeam electrical appliances;
(j) In any county having a population of twenty-six thousand one hundred ninety-eight (26,198) according to the 1970 census wherein Highways 51 and 84 intersect;

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

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

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

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

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

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

(q) In any county where U.S. Highway 82 crosses U.S. Interstate Highway 55 and having a population of twelve thousand three hundred eighty-seven (12,387) according to the 1990 federal decennial census;
(r) In any county where U.S. Highway 49E and U.S. Highway 82 intersect, and having a population of thirty-seven thousand three hundred forty-one (37,341) according to the 1990 federal decennial census.

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

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

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

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

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

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

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

(f) In any county having a population in excess of twenty-seven thousand one hundred seventy-nine (27,179) according
to the 1970 federal decennial census, wherein U.S. Highways 45 and
72 intersect; and
(g) In any Class 1 county bordering on the Pearl River
in which U.S. Highway 80 intersects Mississippi Highway 18 and
having a population, according to the federal decennial census of
1970, of forty-three thousand nine hundred thirty-three (43,933).

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

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

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

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

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

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

(7) The qualified electors residing within any line consolidated school district located within any county wherein U.S. Highway 45 and Mississippi Highway 6 intersect and having a population of sixty-five thousand five hundred eighty-one (65,581) according to the 1990 federal census, and within any county wherein U.S. Highway 45 and Mississippi Highway 8 intersect and having a population of thirty-six thousand five hundred eighty-two (36,582) according to the 1990 federal census, shall not participate in the election of the county superintendent of education, however, the county superintendent of education may be a resident of such line consolidated school district.

SECTION 2. 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 3. 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.