

By: Representative Mayo

To: Education; Apportionment  
and Elections

HOUSE BILL NO. 166  
(As Sent to Governor)

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

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

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

8 37-5-71. (1) The county superintendents of education shall  
9 be elected in the manner prescribed by the provisions of this  
10 chapter, unless such office be made appointive as provided in this  
11 chapter, in which case the county superintendent shall be  
12 appointed by the county board of education or by the trustees of a  
13 separate school district embracing an entire county with a  
14 population of fifteen thousand (15,000) or less, as provided in  
15 subsection (2) of Section 37-7-203. In all cases he shall have  
16 such qualifications as prescribed by Section 37-9-13 and receive  
17 such compensation as established under Section 37-9-37.

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

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

26 (b) In all counties of the fourth class which have a  
27 population, according to the 1960 federal decennial census, in  
28 excess of twenty-six thousand (26,000) and less than twenty-seven

29 thousand (27,000), and having located therein the Mississippi  
30 State University of Agriculture and Applied Science;

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

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

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

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

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

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

55 (i) In any county where Mississippi Highway 35 crosses  
56 U.S. Highway 80 and whose population, according to the 1960  
57 regular census, was between twenty-one thousand (21,000) and  
58 twenty-two thousand (22,000), and in which there are located four  
59 (4) or more chicken packing plants, one (1) zipper plant and one  
60 or more factories manufacturing Sunbeam electrical appliances;

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

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

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

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

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

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

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

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

94 (r) In any county where U.S. Highway 49E and U.S.  
95 Highway 82 intersect, and having a population of thirty-seven  
96 thousand three hundred forty-one (37,341) according to the 1990  
97 federal decennial census;

98 (s) In any county bordering the Mississippi River on  
99 the west and with a population of less than thirty-one thousand  
100 (31,000), according to the 2000 federal decennial census, and with  
101 a county seat in which U.S. Highway 49 and U.S. Highway 61  
102 intersect.

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  
135 having a population, according to the federal decennial census of  
136 1970, of forty-three thousand nine hundred thirty-three (43,933).

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

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

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

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

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

159 superintendent of education, and such county superintendent of  
160 education shall not be a resident of a municipal separate school  
161 district.

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

170 **SECTION 2.** This act shall take effect and be in force from  
171 and after July 1, 2006.