

By: Mitchell

To: Education;
Apportionment and
Elections

HOUSE BILL NO. 1040

1 AN ACT TO AMEND SECTION 37-5-71, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT QUALIFIED ELECTORS RESIDING WITHIN A MUNICIPAL SEPARATE
3 SCHOOL DISTRICT FROM PARTICIPATING IN THE ELECTION FOR THE COUNTY
4 SUPERINTENDENT OF EDUCATION IN CERTAIN COUNTIES; AND FOR RELATED
5 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;

(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

(4) 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 Interstate Highway 20;

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

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

94 district or special municipal separate school district.

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

98 (a) In any county having a population of more than
99 twenty-seven thousand (27,000) and less than twenty-eight thousand
100 (28,000) and containing therein a municipality having a population
101 in excess of three thousand (3,000), according to the 1960 federal
102 decennial census;

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

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

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

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

118 (f) In any county having a population in excess of
119 twenty-seven thousand one hundred seventy-nine (27,179) according
120 to the 1970 federal decennial census, wherein U.S. Highways 45 and
121 72 intersect;

122 (g) In any Class 1 county bordering on the Pearl River
123 in which U.S. Highway 80 intersects Mississippi Highway 18 and
124 having a population, according to the federal decennial census of
125 1970, of forty-three thousand nine hundred thirty-three (43,933);
126 and

127 (h) In any county in which U.S. Highway 78 and
128 Mississippi Highway 15 intersect and which is traversed by the
129 Tallahatchie River.

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

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.

SECTION 2. The Attorney General of the State of Mississippi is directed to 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 U.S. or to the U.S. 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. If this act is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, then this act shall take effect and be in force from and after July 1, 2000, or from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, whichever is the later date.