

By: Representative Mitchell

To: Education; Apportionment
and Elections

HOUSE BILL NO. 961

1 AN ACT TO AMEND SECTION 37-5-71, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT VOTERS WITHIN 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; and

98 (s) In any county in which U.S. Highway 78 and
99 Mississippi Highway 15 intersect and which is traversed by the
100 Tallahatchie River.

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

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

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

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

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

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

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



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

131 (g) In any Class 1 county bordering on the Pearl River
132 in which U.S. Highway 80 intersects Mississippi Highway 18 and
133 having a population, according to the federal decennial census of
134 1970, of forty-three thousand nine hundred thirty-three (43,933).

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

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

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

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

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



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

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

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

