



Lynn Fitch
ATTORNEY GENERAL
OPINIONS

June 5, 2020

Honorable Danny Glaskox
Chairman, Jackson County Election Commission
Post Office Box 998
Pascagoula, Mississippi 39568

Re: County Election Commissioners Conducting Municipal Elections

Dear Mr. Glaskox:

The Office of the Attorney General is in receipt of your request for the issuance of an official opinion.

Question Presented

If the governing authorities of a municipality adopt an ordinance abolishing its municipal election commission and thereafter enter into an agreement with the County Election Commission to conduct its municipal elections pursuant to Miss. Code Ann. Section 23-15-221, what compensation would the county commissioners receive for conducting those municipal elections?

Brief Response

If the municipal governing authority adopts an ordinance pursuant to Section 23-15-221 by which to enter into an agreement with the county election commission to conduct its municipal elections, compensation of the county election commission would be in such amount as agreed upon by the municipal governing authorities and the county election commission as authorized by said statute.

Applicable Law and Discussion

Section 23-15-221(2) states, in relevant part, as follows:

The city council or board of aldermen or other governing authority of any municipality desiring to avail itself of the provisions of the Mississippi Election Code regarding the duties of municipal election commissioners shall adopt an ordinance declaring its intention to enter into an agreement with the municipality's

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county to have the county election commissioners conduct municipal elections and other functions that are performed by municipal election commissioners for the benefit of the efficiency and conformity of elections, to be effective on and after a date fixed in the ordinance which must be at least thirty (30) days after the ordinance is adopted and on the first day of a month. . . .

As for the amount and method of compensation of municipal election commissioners, this office has long recognized that such is fixed by the municipal governing authority by ordinance. See MS AG Op., *Turnage* (September 15, 2006); MS AG Op., *Mitchell* (December 18, 1998); MS AG Op., *Rogers* (July 17, 1979). Therefore, municipalities, seeking to adopt an ordinance in order to enter into an agreement with the municipality's county election commission to conduct its municipal elections, should fix the amount and method of compensation of the county election commission by said agreement as authorized by Section 23-15-221(2).

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

OFFICIAL

By: /s/ *Phil Carter*

Phil Carter
Special Assistant Attorney General