



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

January 5, 2021

The Honorable Josh Eldridge
Jackson County Chancery Clerk
Post Office Box 998
Pascagoula, Mississippi 39568-0998

Re: Application of the Uniform Electronic Transactions Act

Dear Mr. Eldridge:

The Office of the Attorney General has received your request for an official opinion.

Questions Presented

You state that Jackson County has recently gone to an electronic agenda and minutes management system and ask the following questions:

1. Does the Uniform Electronic Transactions Act, or any other law, authorize the County to utilize electronic signatures for the signature and attestation of the Board of Supervisors' minutes, resolutions or orders?
2. Does the Uniform Electronic Transactions Act, or any other law, authorize the County to utilize electronic signatures for the associated contracts, correspondence, etc., provided that the County adopt standards and all parties agree to conduct transactions by electronic means?
3. Does the Uniform Electronic Transactions Act, or any other law, authorize the County to utilize electronic signatures for purchase orders?

Brief Response

Electronic signatures satisfy requirements for signatures and attestations on boards of supervisors' minutes and signatures on boards of supervisors' resolutions, orders, contracts, correspondence and purchase orders.

Applicable Law and Discussion

The Uniform Electronic Transactions Act is codified at Mississippi Code Annotated Section 75-12-1 *et seq.* In a recent opinion addressing the electronic storage of municipal minutes, this

office relied on Section 75-12-13, a statute within the Uniform Electronic Transactions Act, which provides:

- a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.
- b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.
- c) If a law requires a record to be in writing, an electronic record satisfies the law.
- d) If a law requires a signature, an electronic signature satisfies the law.

MS AG Op., *Smith* at *3–4 (July 31, 2020) (quoting Miss. Code Ann. § 75-12-13).

In *Smith*, we opined that “a municipality may forego the use of physical minute books and store all minutes electronically; provided, however, all requirements of Section 21-15-1 *et seq.*, inclusive of the signing and seal requirements of Section 21-15-3, are satisfied and the minutes are publicly available for review and inspection.” MS AG Op., *Smith* at *4 (July 31, 2020).

Section 19-3-27 requires official meeting minutes of a board of supervisors to be signed by the board president or, where “the president is absent or disabled so as to prevent his signing of the minutes,” the vice president. Our reasoning in *Smith* regarding municipal minutes applies equally to the signature requirement in Section 19-3-27.

Since we have opined that, pursuant to Section 75-12-13, an electronic signature satisfies legal requirements for a signature on a board of supervisors’ official minutes, the plain language of that statute authorizes electronic signatures for attestations¹ and signatures on resolutions, orders, contracts, correspondence and purchase orders.

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

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Phil Carter

Phil Carter
Special Assistant Attorney General

¹ Section 75-12-21 provides that where “a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.”