



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

November 23, 2021

The Honorable Jeff Tate
Member, Mississippi State Senate
Post Office Box 1018
Jackson, Mississippi 39215-1018

Re: Constitutionality of Mississippi Code Annotated Section 23-15-213(1)

Dear Senator Tate:

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

Question Presented

Under Article 12, Section 250 of the Mississippi Constitution of 1890, is it constitutional to require a county election commissioner to satisfactorily complete a skills assessment after the commissioner has both qualified for the office and been elected to the office, as is provided for in Mississippi Code Annotated Section 23-15-213(1)?

Brief Response

Statutes passed by the Mississippi Legislature are presumed constitutional until a court of competent jurisdiction rules otherwise. MS AG Op., *Capps* at *2 (Sept. 6, 1996) (citing *Mississippi Power Co. v. Goudy*, 459 So. 2d 257 (Miss. 1984)). To our knowledge, no court to date has held that Section 23-15-213 is unconstitutional.

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/ Beebe Garrard*

Beebe Garrard
Special Assistant Attorney General