



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

November 23, 2022

Kimberly Nailor, Esq.
Attorney, City of Vicksburg
Post Office Box 150
Vicksburg, Mississippi 39181

Re: Polling Place Outside City Limits

Dear Ms. Nailor:

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

Background

According to your request, the City of Vicksburg (“City”) currently has eleven precincts, one of which has a polling place that can no longer be used. You state that the City wishes to align its voting precincts and polling places to coincide with Warren County. A replacement polling place for the one that can no longer be used has been suggested; however, it is outside the City limits.

Question Presented

Does the City have the authority to establish a polling place for City voters outside of the City limits?

Brief Response

No. While a municipality has the discretion to locate polling places without regard to precinct lines, all municipal polling places must be within the municipal limits.

Applicable Law and Discussion

Section 23-15-557 of the Mississippi Code provides:

The governing authorities of any municipality within the State of Mississippi are hereby authorized and empowered, in their discretion, to divide the municipality into a sufficient number of voting precincts of such size and location as is necessary,

and there shall be the same number of polling places. The authority conducting an election shall not be required, however, to establish a polling place in each of said precincts, but such election authorities, whether in a primary or in a general election, may locate and establish such polling places, without regard to precinct lines, in such manner as in the discretion of such authority will better accommodate the electorate and better facilitate the holding of the election.

We understand that the City of Vicksburg is governed by a special charter, which gives the governing authority discretion in establishing the number of voting precincts in the City. MS AG Op., *Thomas* at *1 (Aug. 21, 2015). We have previously opined that because Vicksburg's special charter is silent on the number of polling places, the general law, Section 23-15-557, requiring the City to establish polling places equal to the number of precincts applies. *Id.*

We have also opined that Section 23-15-557 authorizes a municipality to create one precinct for an entire municipality, in which case there would be only one polling place for all qualified electors to cast their ballots. MS AG Op., *St. Pé* at *1 (Apr. 22, 2016). Similarly, because the City of Vicksburg has the authority to establish as many precincts in each ward as necessary for the convenience of the electors, the City has the discretion to reduce its number of precincts. However, there is no statutory authority to establish a municipal polling place outside the municipal limits. All municipal polling places must be within the City limits.

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