



March 13, 2023

The Honorable Michael Watson  
Secretary of State  
Post Office Box 136  
Jackson, Mississippi 39205

Re: Mississippi Commission on the Holocaust

Dear Secretary Watson:

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

#### Questions Presented

1. What constitutes “administrative purposes only” as contemplated in Mississippi Code Annotated Section 39-29-1?
2. What is the specific role of the Office of the Secretary of State under Section 39-29-1(1)?
3. In the absence of a specific appropriation, what monetary obligations, if any, are imposed upon the Office of the Secretary of State pursuant to Section 39-29-1(1)?
4. What authority, if any, is the Office of the Secretary of State granted under Section 39-29-1(1)?
5. What are the responsibilities of the Office of the Secretary of State under Section 39-29-1(1)?

#### Brief Response

1. The Office of the Secretary of State is statutorily obligated to provide the administrative assistance necessary for the Mississippi Commission on the Holocaust to carry out its duties. Given that the statutes do not further define the specific role of the Office of the Secretary of State beyond “administrative purposes,” it is the opinion of this office that the Office of the Secretary of State is charged with assisting the Mississippi Commission on

the Holocaust with management of its activities and organizational tasks as determined by the needs of the Mississippi Commission on the Holocaust.

2. See the Response to your first question.
3. Section 39-29-1(1) does not specify the amount of money that the Office of the Secretary of State is obligated to spend in carrying out its administrative function for the Mississippi Commission on the Holocaust. Thus, absent a specific appropriation, there is not a specific monetary obligation imposed on the Office of the Secretary of State in order to carry out its administrative function.
4. The Office of the Secretary of State is not granted any authority over the responsibilities, duties, and obligations of the Mississippi Commission on the Holocaust. The Office of the Secretary of State simply must provide the administrative assistance necessary for the members of the Mississippi Commission on the Holocaust to carry out their statutory duties.
5. See the Response to your first question.

### **Applicable Law and Discussion**

The Mississippi Commission on the Holocaust (“Holocaust Commission”) was created pursuant to Section 39-29-1 and is “assigned to the Office of the Secretary of State for administrative purposes only.” Miss. Code Ann. § 39-29-1(1). The Holocaust Commission is made up of two ex officio members and seventeen members of the public appointed by the Governor, Speaker of the House of Representatives, and the Lieutenant Governor. *Id.* at (2). As with the Mississippi Civil Rights Education Commission, “[t]he Secretary of State is not a member, an employee, or the executive director” of the Holocaust Commission. MS AG Op., *Watson* at \*3 (Sept. 26, 2022) (“2022 *Watson* Opinion”).

The powers and duties of the Holocaust Commission are outlined in Section 39-29-1(3) and include, among other things, inventorying “Holocaust memorials, exhibits and resources”; “coordinat[ing] events memorializing the Holocaust”; and “prepar[ing] reports for the Governor and Legislature.” *Id.* at (3)(d), (g). Further, the Holocaust Commission has the ability to “receive gifts, grants and donations from any public or private sources.” *Id.* at (4).

“A board or commission has only that authority which has been specifically granted to it by statute or necessarily implied therein.” *Watson* at \*3 (quoting MS AG Op., *Delahousey* at \*1 (Sept. 24, 2004)). Like the Mississippi Civil Rights Education Commission, the Holocaust Commission is not authorized to employ its own staff. Rather, it is assigned to the Office of the Secretary of State “for administrative purposes only.” Miss. Code Ann. § 39-29-1(1). As we opined in the 2022 *Watson* Opinion:

The term “administrative purposes” is not further defined by statute. Black’s Law Dictionary defines the term “administrative” as “relating to, or involving the work of managing a company or organization; executive.” Administrative, Black’s Law

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Dictionary (11th ed., 2019). Accordingly, it is the opinion of this office that the Office of the Secretary of State is charged with assisting the Commission with management of Commission activities and organizational tasks as determined by the needs of the Commission.

*Watson* at \*3.

Section 39-29-1(1) does not specify the amount of money that the Office of the Secretary of State is obligated to spend in carrying out its administrative function for the Mississippi Commission on the Holocaust. Furthermore, we understand that the Holocaust Commission does not receive its own appropriation nor has the Office of the Secretary of State received any specific line-item appropriations for this purpose. With respect to your third question, absent a specific appropriation, there is not a specific monetary obligation imposed on the Office of the Secretary of State in order to carry out its administrative function.

As with the 2022 *Watson* Opinion, “[g]iven that the statutes do not further define the specific role of the Office of the Secretary of State beyond ‘administrative purposes,’ we recommend working with the Commission . . . to determine the specific administrative assistance needed by the Commission and how to best provide it and potentially fund it.” *Watson* at \*3.

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