



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

June 23, 2023

Beverly Ragan, Chairman
Tishomingo County Election Commission
1008 Battleground Drive, Room 112
Iuka, Mississippi 38852

Re: Election Commissioners

Dear Ms. Ragan:

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

Question Presented

May an election commissioner or a candidate running for the election commission be a member of a political party?

Brief Response

An election commissioner or a candidate running for election commissioner may be affiliated with a political party and may run for election with their party affiliation shown on the ballot. However, an election commissioner must refrain from showing favoritism to any candidate or group of candidates.

Applicable Law and Discussion

With respect to candidates for county election commissioner, Section 23-15-213(3) of the Mississippi Code provides that “[a]ll candidates shall declare in writing their party affiliation, if any, to the board of supervisors, and such party affiliation shall be shown on the official ballot.” Citing Section 23-15-217, the Mississippi Supreme Court has said:

Perhaps more so than is the case with any other public official, the integrity of the office of Elections Commissioner must be totally beyond compromise or even perception of the possibility of compromise. The legislature has enacted that elections commissioners shall totally remove themselves from any taint or hint or suspicion of partnership. They must be aloof from partisan politics as much as

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judges, if not more so. For what is at stake is public confidence in our system of self[-]government. By law, once Eddie Meeks or anyone else assumes the office of Elections Commissioner, he becomes obligated to stay out of any other electoral endeavor for the term of his office, period. If this seem harsh, it is certainly less so than the adverse impact upon the public interest if our people come to doubt the integrity of the system.

Meeks v. Tallahatchie Cnty., 513 So. 2d 563, 569 (Miss. 1987). We note that Section 23-15-217 has been amended since the Court decided *Meeks*. However, the Court's statement regarding impartiality of election commissioners is still valid. *See also* MS AG Op., *Glaskox* (June 21, 2019).

Accordingly, any candidate for election commissioner may be a member of a political party and may run for election with their party affiliation shown on the ballot. However, an election commissioner must avoid even the appearance of impropriety and, therefore, must not participate in any election campaign other than their own. *See* MS AG Op., *Miller* (June 17, 2010).

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

OFFICIAL OPINION