



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

November 3, 2023

The Honorable Keith Gaskin
Mayor, City of Columbus
Post Office Box 1408
Columbus, Mississippi 39703

Re: Signatures for Written Protest of Municipal Bond

Dear Mayor Gaskin:

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

Question Presented

May e-signatures (electronic signatures) be used to protest municipal bonds?

Brief Response

Electronic signatures may not be used to protest municipal bonds.

Applicable Law and Discussion

Mississippi Code Annotated Section 21-33-307 provides the procedure to issue municipal bonds. As part of this procedure, it allows qualified electors of a municipality to protest the issuance of such bonds in the instance they disagree:

If ten percent (10%) of the qualified electors of the municipality, or fifteen hundred (1500), whichever is the lesser, shall file a *written* protest against the issuance of such bonds on or before the date specified in such resolution, then an election on the question of the bonds shall be called and held as is provided in Section 21-33-309.

Miss. Code Ann. § 21-33-307 (emphasis added). You ask if electronic signatures may be used for such written protest.

Pursuant to Section 1-3-61:

The term “written,” when used in any statute, may include, but is not limited to, printing, engraving, and lithographing. *In all cases where the signature of any person is required by law, it shall always be the proper handwriting of such person, or, in case he be unable to write, his proper mark, unless a different form of legal signature is specified in another statute.*

(emphasis added). As provided *supra*, Section 21-33-307 only references a “written protest” and does not specify a different form of legal signature. Further, this office has previously opined that electronic signatures are not compatible with Section 1-3-75, which states that “[a]ll petitions presented to any governing body of the State of Mississippi . . . or municipalities thereof, must be signed personally by each petitioner; otherwise, said signature shall not be counted as a valid signature of such petition.” See MS AG Op., *Wilson* at *2–3 (May 29, 2009) (considering the Uniform Electronic Transactions Act but concluding that various reasons support that electronic signatures are incompatible with Section 1-3-75 and the initiative process). Accordingly, it is the opinion of this office that electronic signatures may not be used to protest municipal bonds.

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/ Maggie Kate Bobo

Maggie Kate Bobo
Special Assistant Attorney General