



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

August 25, 2025

The Honorable Tedrick Liddell
Constable, Southern District, Noxubee County
314 Allen Bend Road
Macon, Mississippi 39341

Re: Running for Sheriff of Noxubee County in Special Election

Dear Constable Liddell:

The Office of the Attorney General is in receipt of your request for the issuance of an official opinion.

Question Presented

As the recently elected Constable of the Southern District of Noxubee County (“County”), you ask if you have to resign that position in order to run for Sheriff of the County in the upcoming special election.

Brief Response

While there is no statutory prohibition against running for Sheriff while holding the position of Constable that would require you to resign, if you were to win the election, any potential issues regarding separation of powers and conflicts of interest would need to be addressed.

Applicable Law and Discussion

You currently hold the elected position of Constable of the Southern District of the County and wish to place your name on the ballot for Sheriff in the upcoming special election. Being recently elected as Constable, your name will only appear on the special election ballot as a candidate for Sheriff. There is not a statutory prohibition against running for Sheriff while holding the elected position of Constable in the same county.

This office has previously opined that simultaneous service in two different elected positions is not necessarily prohibited. MS AG Op., *Lee* at *1 (Dec. 14, 2007) (“[A]n individual may serve as an elected sheriff and as an elected chief of police of a municipality located within the same county.”). Nonetheless, several potential issues may arise when serving in two elected positions.

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First, the issue of separation of powers must be considered. MS AG Op., *Butler* at *1 (May 1, 2025) (explaining the separation of powers doctrine). There is also the problem of incompatible offices. *Myers v. City of McComb*, 943 So. 2d 1, 9 (Miss. 2006) (“Competing duties naturally create ‘incompatible office’ issues as ‘there is . . . inherent inconsistency in the nature of the duties of the two offices, so that both cannot be administered by the same person.’”) (internal citation omitted). Finally, there may be conflict of interest issues and ethical questions that would have to be addressed by the Ethics Commission.

Ultimately, however, and in response to your question, there is no prohibition against running for the elected office of Sheriff while currently serving in the elected office of Constable and therefore no requirement that you resign your current position.

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/ *Misty Monroe*

Misty Monroe
Assistant Attorney General

OFFICIAL OPINION