



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

January 9, 2026

H. Scott Ross, Esq.
Attorney, City of Okolona
Post Office Box 332
West Point, Mississippi 39773

Re: Hiring Councilwoman's Child in City Electric Department

Dear Mr. Ross:

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

Background

According to your request, a councilwoman took office in July 2025. On September 10, 2025, the City of Okolona ("City") posted an advertisement in the Okolona Messenger seeking applicants for a job opening in the Okolona Electric Department for a "full time/cashier/clerk." Applications were received, and candidates were interviewed. The department head presented three candidates and recommended the daughter of the councilwoman as the preferred candidate for the city council to hire. The council deferred action pending investigation by the city attorney and guidance from the Attorney General's Office and/or the Mississippi Ethics Commission.

Question Presented

May the City hire a council member's child for the position of cashier/clerk in its electric department?

Brief Response

Whether the "cashier/clerk" position encompasses the same duties as a "clerk," as set forth in Mississippi Code Annotated Section 25-1-53, is factual determination to be made by the City's governing authorities.

Applicable Law and Discussion

Section 25-1-53, commonly known as the nepotism statute, provides in part:

It shall be unlawful for any person elected, appointed or selected in any manner whatsoever to any state, county, district or municipal office, or for any board of trustees of any state institution, to appoint or employ, as an officer, clerk, stenographer, deputy or assistant who is to be paid out of the public funds, any person related by blood or marriage within the third degree, computed by the rule of the civil law, to the person or any member of the board of trustees having the authority to make such appointment or contract such employment as employer. This section shall not apply to any employee who shall have been in said department or institution prior to the time his or her kinsman, within the third degree, became the head of said department or institution or member of said board of trustees[.]

As shown, “the [n]epotism [s]tatute, lists five prohibited classes of employment which are ‘an officer, clerk, stenographer, deputy or assistant.’” MS AG Op., *Meek* at *1 (Oct. 26, 2007) (quoting Miss. Code Ann. § 25-1-53). According to your request, the position at issue here is not “clerk” but “cashier/clerk.” Whether this position encompasses the same duties as a “clerk,” as set forth in Section 25-1-53, is a factual determination to be made by the City’s governing authorities. *See* Miss. Code Ann. § 7-5-25 (authorizing the Attorney General to opine upon prospective matters of state law only). If the governing authorities determine that the duties of “cashier/clerk” are not the same as the duties of “clerk,” the City may hire a council member’s child for the subject position without violating the nepotism statute. If it is determined that the duties are the same as the duties of a “clerk,” hiring a council member’s child would violate the nepotism statute.

Finally, we refer you to the Mississippi Ethics Commission for questions regarding potential conflicts of interest.

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