



October 15, 2026

The Honorable Betty Jean Brown
Alderwoman At-Large, Vice Mayor/Mayor Pro Tempore
Town of Sunflower
Post Office Box 242
Sunflower, Mississippi 38778

Re: Authority to Designate Municipal Check Signatories; Issuance of Municipal Credit Cards; Nepotism

Dear Alderwoman Brown:

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

Questions Presented

1. In a municipality where the town clerk is an appointed official, may the board of aldermen change who is authorized to sign municipal checks and warrants by majority vote taken through motion, second, and vote?
2. Who is authorized to sign a check made payable to the town clerk personally?
3. May a municipality's credit card be issued in the name of an individual employee, such as the town clerk, rather than in the name of the municipality?
4. Does a relationship between an alderman and an individual who lives with but is not related to the alderman by blood or marriage—and who is paid by the municipality to perform repair work—constitute nepotism, a conflict of interest, or another violation of Mississippi law?

Brief Response

1. Mississippi Code Annotated Section 21-39-13 mandates that municipal warrants and checks be signed by the mayor or a majority of the board of aldermen. While the board may vote to require additional signatures, the board may not change who is authorized to sign municipal checks. An ordinance that contradicts state law is void to the extent of the contradiction.

2. As stated in response to question one, either the mayor or a majority of the board of aldermen may sign a check payable to the town clerk.
3. We recommend contacting the Office of Purchasing, Travel and Fleet Management regarding this question as Section 31-7-9(1)(b) provides that the “[u]se of [credit] cards shall be in strict compliance with the regulations promulgated by” the Office of Purchasing, Travel and Fleet Management.
4. The nepotism statute, Section 25-1-53, only applies to a relationship by blood or marriage. Accordingly, a relationship between a member of the board of aldermen and an individual who lives with but is not related to the alderman by blood or marriage falls outside of its scope. We refer you to the Mississippi Ethics Commission for all other conflict of interest or ethical concerns.

Applicable Law and Discussion

We first note that this opinion addresses only prospective questions of Mississippi law; we may not opine upon past actions or determinations of fact. *See* Miss. Code Ann. § 7-5-25 (authorizing the Attorney General to opine upon prospective matters of state law only).

According to your request, the town of Sunflower operates under a mayor-board of aldermen form of government. In a mayor-board of aldermen form of government, Section 21-39-13(1)(a) mandates that “[t]he clerk of the municipality shall draw all warrants or checks for claims and accounts allowed and approved by the governing authorities” and that such instruments “*shall be signed by the mayor or a majority of the members of the board of aldermen . . . and attested by the clerk.*” (emphasis added). The Mississippi Supreme Court has stated that to the extent a municipality adopts an ordinance that contradicts state law, it will be void. *Ryals v. Board of Sup’rs of Pike Cnty.*, 48 So. 3d 444, 448 (Miss. 2010). Accordingly, a board of aldermen may not adopt an ordinance to change who is authorized to sign municipal checks and warrants. At a minimum, checks must be signed by the mayor or a majority of the members of the board of aldermen. Miss. Code Ann. § 21-39-13(1)(a). The board of aldermen may, however, vote to require additional signatures beyond this statutory requirement.

As to a check payable to the town clerk personally, the mayor or a majority of the board of aldermen must sign a check payable to the clerk. Miss. Code Ann. § 21-39-13(1)(a). Section 21-39-13(1)(a)’s requirement that the clerk draw and attest municipal checks does not change the signatory mandate.

Section 21-39-27(1) provides in part, “[t]he governing authority of any municipality may acquire one or more credit cards which may be used by members of the governing authority and municipal employees to pay expenses incurred by them when traveling in or out of the state in the performance of their official duties.” Section 21-39-27 does not state whether a card must be issued in the municipality’s name; however, Section 31-7-9(1)(b) provides:

The Office of Purchasing, Travel and Fleet Management may adopt purchasing regulations governing the use of credit cards, procurement cards and purchasing club membership cards to be used by state agencies, governing authorities of counties and municipalities, school districts and the Chickasawhay Natural Gas District. Use of the cards shall be in strict compliance with the regulations promulgated by the office.

Pursuant to Section 7-5-25, this office is not authorized to opine upon regulations. Accordingly, we recommend contacting the Office of Purchasing, Travel and Fleet Management regarding this question.

Finally, Mississippi's nepotism statute makes it unlawful for a municipal official to employ, as an officer, clerk, stenographer, deputy, or assistant paid from public funds, a person related to the official "by blood or marriage within the third degree." Miss. Code Ann. § 25-1-53. Because this provision requires a relationship by blood or marriage, an individual living with an official but not related to the official by blood or marriage falls outside of its scope. Furthermore, a contractor performing repair work is not an officer, clerk, stenographer, deputy, or assistant. We refer you to the Mississippi Ethics Commission for all other conflict of interest or ethical concerns.

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