

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

February 1, 2019

The Honorable Jan A. Pearson
Sharkey County Election Commissioner
Post Office Box 63
Anguilla, Mississippi 38721

Re: Election Commissioner working without a quorum of the Commission present

Dear Ms. Pearson:

Attorney General Jim Hood received your letter of request and assigned it to me for research and reply.

Issue Presented

We understand the issue to be whether an individual county election commissioner is entitled to receive compensation for work performed in the revision of the registration and pollbooks when a quorum of the commission is not present.

Response

It has been our consistent position that individual commissioners who perform work when a quorum is not present may be paid for such work only upon the occurrence of two separate and distinct actions. First, the county election commission must make the determination, consistent with the facts, that, in order to fulfill its statutory responsibilities, it is necessary for individual commissioners to work when a quorum is not present; and second, the county board of supervisors, by lawful order, authorizes compensation for such work not to exceed the total number of days allowed by statute for revising the registration books and pollbooks. *MS AG Op., Mitchell* (February 13, 1990); *MS AG Op., Wilemon* (May 26, 2006); *MS AG Op., Robinson* (March 14, 2008); *MS AG Op., Snowden* (November 13, 2015).

The decision to issue a lawful order authorizing compensation for such work is not mandatory but is strictly at the discretion of the board of supervisors.

The Honorable Jan A. Pearson
February 1, 2019
Page 2

Applicable Law and Discussion

Mississippi Code Annotated Section 23-15-153 requires the election commissioners to meet at the office of the registrar or the office of the election commissioners to take appropriate official action to revise the voter rolls. Obviously, official acts of an election commission can only be made when a quorum is present. If the commission as a whole determines, consistent with the facts, that in order for it to perform its official duties it is necessary for individual election commissioners to work without a quorum, the commission may seek an order from the board of supervisors authorizing same. The board of supervisors may, in its discretion, issue the requested order.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:



Phil Carter

Special Assistant Attorney General

OFFICIAL OPINION