



*Lynn Fitch*  
**ATTORNEY GENERAL**  
OPINIONS AND POLICY

TO: Mike Espy, Esq.  
Attorney, Madison County Board of Supervisors

FROM: Opinions Division  
Mississippi Attorney General's Office

RE: Pending Request for an Official Attorney General's Opinion

DATE: December 13, 2022

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The Office of the Attorney General has received your request for an official opinion regarding whether the Madison County Election Commission is obligated to conduct municipal elections for cities in Madison County or whether the statute allows for certain other options that could be employed by the Board of Supervisors. Your request included copies of an agreement and ordinance passed by the City of Canton abolishing Canton's Election Commission and requiring Madison County to conduct elections for the City of Canton.

Pursuant to Section 7-5-25 of the Mississippi Code, opinions of this office are limited to prospective questions of state law. We do not interpret or opine on municipal ordinances or agreements by official opinion. MS AG Op., *Tullos* at \*1 (Aug. 27, 2018). Further, Section 7-5-25 prohibits our office from issuing opinions on matters in which suit has been filed. *See* MS AG Op., *Cox* at \*1 (Sept. 26, 2008) (“[T]he Attorney General's office is expressly prohibited by Section 7-5-25 from opining on matters which are currently in litigation.”); MS AG Op., *Nunnelee* at \*1 (Oct. 8, 1999) (opining that this office cannot validate or invalidate the resulting court decisions).

Therefore, we cannot analyze or offer any guidance on the validity of the agreement or ordinance proposed by the City of Canton. Further, because of litigation regarding the Canton municipal elections filed subsequent to your request, this office cannot issue an official opinion in response to the questions in your request. However, once all the litigation is finally resolved, if you still have a request that aligns with the requirements of Section 7-5-25, you may submit such for consideration.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Thank you.