

**AN ORDINANCE AMENDING CHAPTER 2- ADMINISTRATION, ARTICLE II-THE MAYOR AND BOARD OF ALDERMEN, DIVISION I-GENERALLY, SECTION 2-24-OFFICERS & EMPLOYEES-APPOINTMENT AND ADDING SECTION 2-30- TO ABOLISH THE MUNICIPAL ELECTION COMMISSION AND TO ESTABLISH AN AGREEMENT WITH THE LAFAYETTE COUNTY CIRCUIT CLERK'S OFFICE TO HAVE THE COUNTY ELECTION COMMISSIONERS CONDUCT MUNICIPAL ELECTIONS AND OTHER FUNCTIONS PERFORMED BY MUNICIPAL ELECTION COMMISSIONERS FOR THE BENEFIT OF THE VOTERS OF THE CITY OF OXFORD AND MUNICIPAL SEPARATE SCHOOL DISTRICT AND TO IMPROVE THE EFFICIENCY AND CONFORMITY OF FUTURE ELECTIONS TO THE CODE OF ORDINANCES OF THE CITY OF OXFORD, MISSISSIPPI**

**WHEREAS**, pursuant to MS Code Section 23-15-221, the City of Oxford, Mississippi has appointed municipal elections commissioners as provided for therein; and

**WHEREAS**, the City of Oxford, despite having an established election commission with appointed commissioners, was authorized by law to contract with the Lafayette County Circuit Clerk's Office to handle many, if not all, aspects of municipal elections; and

**WHEREAS**, on July 1, 2017, an Amendment to MS Code Section 23-15-221 became effective, which mandated that any municipality desiring to avail itself of the provisions of the MS Election Code (i.e., use the county election commission) regarding the duties of municipal election commissioners shall adopt an Ordinance declaring its intention to enter into an agreement with the municipality's county to have the county election commissioners conduct municipal elections and other functions that are performed by municipal election commissioners for the benefit of the efficiency and conformity of elections; and

**WHEREAS**, this Amendment has been interpreted by the Attorney General's office to compel all municipalities that wish to use their respective county election commission in conducting elections, to adopt an Ordinance stating their intention to solely use the services of the county election commission, and if the municipalities fail to do so, then the municipalities shall be required the conduct all municipal election functions on their own with no ability to enter into a contract with their county election commission for assistance with any aspect of a municipal election; and

**WHEREAS**, the Mayor and Board of Aldermen understand the City of Oxford's need for the services of the Lafayette Count Circuit Clerk's Office and the Lafayette County Election Commission for municipal elections, and therefore finds that entering into an agreement with the Lafayette County Circuit Clerk's Office to have the Lafayette County Election Commission conduct municipal elections and other functions that are performed by municipal election commissioners will benefit the City, and all of its citizens, by making the elections more efficient.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OXFORD, MISSISSIPPI AS FOLLOWS:**

**SECTION I.** That Section 2-24 be amended to read: The Mayor and Board of Aldermen shall have the power to appoint a city tax assessor, tax collector, clerk, engineer, building inspector, light and water superintendent, gas and plumbing inspector, street commissioner, and such other officers and employees as may be necessary for the conduct of city business. A member of the Board of Aldermen may be appointed to the office of street commissioner.

**SECTION II.** That Section 2-30 be created and titled “Abolishment of Municipal Election Commission” and shall read as follows:

It is the Mayor and Board of Aldermen’s intent and desire to abolish the City of Oxford’s Municipal Election Commission and to authorize the Lafayette County Circuit Clerk’s Office, along with the Lafayette County Election Commission, to conduct the municipal election commissioner’s duties. By adoption of this Ordinance, it is the City’s intent to enter into an Agreement with the Lafayette County Circuit Clerk to have the Lafayette County Election Commission conduct municipal elections and other functions that are performed by municipal elections commissioners, which will benefit the City, and all of its citizens, by making the elections more efficient. As a result of this Ordinance, all current members of the municipal election commission are removed.

Pursuant to MS Code Section 23-15-221, the Lafayette County Circuit Clerk’s Office, along with the Lafayette County Election Commission, shall conduct all of the duties of the municipal election commissioners including, but not limited to:

- (a) Canvass the results of bond elections in a municipality;
- (b) Canvass the returns of special and general elections for Mayor and Aldermen and within (5) days after any special or general election, deliver to each person receiving the highest number of votes, a certificate of election;
- (c) Certify to the Secretary of State the name or names of the person or persons elected at special or general elections within (10) days after any special or general election;
- (d) Revise the primary pollbooks for municipalities at the time and in the manner in accordance with the laws now fixed and in force for revising pollbooks, except that they shall not remove from the pollbook any person who is qualified to participate in primary elections;
- (e) Print the pollbooks that are to be used in municipal elections
- (f) Print and distribute the “official ballots”
- (g) Perform the duties of poll managers in the event that there is only (1) election precinct in the municipality
- (h) Perform any of the duties required of the municipal executive committee pursuant to Section 23-15-239, if the municipal executive committee has entered into a written agreement with the municipal clerk or the municipal or county election commission that gives such authorization;
- (i) Determine whether each party candidate in the municipal general election is a qualified elector of the municipality, and of the ward if the office sought is a ward office, whether each candidate either meets all other qualifications to hold the office he or she is seeking or presents absolute proof that he or she will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he or she could be elected to office, and whether any candidate has been convicted of any felony in a court of this state, or has been convicted on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, or has been convicted of any felony in a federal court on or after December 8, 1992;
- (j) Declare each candidate elected without opposition, if the candidate meets all the qualifications to hold the office as determined pursuant to a review by the commission in accordance with the provisions of paragraph (i) of this subsection (3);
- (k) Canvass the returns for municipal elections received from all voting precincts and within ten (10) days after the election, deliver to each person receiving the highest number of votes a certificate of election. If it shall appear that any two (2) or

more of the candidate receiving the highest number of votes shall have received an equal number of votes, the election shall be decided by the toss of a coin, or by lot, fairly and publicly drawn by the election commissioners;

- (l) Transmit the statement provided in Section 23-152-611 to the Secretary of State certifying the name or names of the person or persons elected at municipal elections, and such person or person shall be issued commissions by the Governor;
- (m) Receiving the filed document by any person desiring to contest the qualifications of another person who has qualified pursuant to the provisions of Section 23-15-361 as a candidate for municipal office elected on the date designated by law for regular municipal elections that specifically sets forth the grounds of the challenge no later than thirty-one (31) days after the date of the first primary election set forth in Section 23-15-309; and
- (n) Perform all other duties with respect to the municipal election as prescribed by law

### **SECTION III. REPEALING CLAUSE**

All ordinances or parts of ordinances in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

### **SECTION IV. EFFECTIVE DATE**

This ordinance shall be in full force and effect on July 1, 2022, as provided by law. The City Clerk shall cause the ordinance to be published in a local newspaper of general circulation.

The above ordinance having being first reduced to writing and read and considered section by section at a public meeting or the governing authorities of the City of Oxford Mississippi on motion of Alderman \_\_\_\_\_, seconded by Alderman \_\_\_\_\_, and the roll being called, the same by the following votes:

Alderman Addy	voted
Alderman Huelse	voted
Alderman Hyneman	voted
Alderman Howell Atkinson	voted
Alderman Taylor	voted
Alderman Bailey	voted
Alderman Morgan	voted

APPROVED, this the \_\_ day of \_\_\_\_\_, 2022.

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ROBYN TANNEHILL, MAYOR

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ASHLEY ATKINSON, CITY CLERK