

# POVALL & JEFFREYS, P.A.

## ATTORNEYS AT LAW

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April 8, 2021

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Honorable Michael Watson  
Mississippi Secretary of State  
Heber Ladner Building  
401 Mississippi Street  
Jackson, MS 39201

Attention: Ms. Kimberly P. Turner

**Re: Town of Merigold, Mississippi  
2021 Municipal Elections**

Dear Secretary Watson:

As attorney for the Town of Merigold, Mississippi, I enclose for your consideration the Minutes of the Election Commissioners for the Town of Merigold dated February 8, 2021, concerning the 2021 Municipal Elections. These minutes will reflect that all candidates qualifying as an independent candidates for Mayor and for the position of Alderman for Ward 1, Ward 2, Ward 3, Ward 4 and Alderman-at-Large were unopposed.

Based on these minutes as adopted by the Board of Aldermen on March 2, 2021, there are no contested races for any of these offices. The Town of Merigold, Mississippi, acting through its duly appointed Election Commissioners, concluded there was no need to hold a General election for June 8, 2021. Accordingly, the Town of Merigold, Mississippi requests your office recognize the election of these persons as follows:

Mayor: Ken McGarrh  
P. O. Box 311  
Merigold, MS 38759

Alderman Ward 1: Charles Sellers  
P. O. Box 199  
Merigold, MS 38759



Honorable Michael Watson  
Mississippi Secretary of State  
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Alderman Ward 2: Pierce L. Criss  
P. O. Box 56  
Merigold, MS 38759

Alderman Ward 3: John Latham Meyer  
P. O. Box 325  
Merigold, MS 38759

Alderman Ward 4: Stephen Smith  
P. O. Box 202  
Merigold, MS 38759

Alderman at Large: Brent Branning  
P. O. Box 126  
Merigold, MS 38759

After you receive this letter, if you should have any questions, please call me.

With best regards, I am

Sincerely yours,



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J. Kirkham Povall

JKP:bp

Enclosures

**ORDER ADOPTING REPORT OF ELECTION COMMISSION  
FOR 2021 TOWN OF MERIGOLD MUNICIPAL ELECTION**

**WHEREAS**, the Town of Merigold, MS, Election Commission submitted original copies of its Minutes regarding the canvas and determination of candidates qualified for the 2021 Municipal Election for the Town of Merigold, MS; and,

**WHEREAS**, the Election Commission for the Town of Merigold, MS, reported that independent candidates had qualified as follows:

Mayor: Ken McGarrh  
Ward One (1): Charles Sellers  
Ward Two (2): Pierce Criss  
Ward Three (3): John Latham Meyer  
Ward Four (4): Stephen Smith  
Ward at Large: Brent Branning

**NOW, THEREFORE**, on motion by John Latham Meyer, seconded by Charles Sellers, and unanimously adopted, **IT IS ORDERED** that the Election Commission's report dated February 8, 2021, for the 2021 Municipal Election for the Town of Merigold, MS, is hereby accepted and made a part of the Minutes with the Attorney directed to forward a copy of the Minutes and Certification to the Secretary of State for the State of Mississippi.

The Clerk is directed to attach a copy of the Election Commission's Report as **Exhibit**

**"A", ORDERED this March 2, 2021.**

**EXHIBIT "A" ATTACHED AT END OF MINUTES.**

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**TOWN OF MERIGOLD, MISSISSIPPI**

By: 

**KEN MCGARRH, Mayor**


**ATTEST:**



**EDNA SCOTT LLOYD, Town Clerk SEAL**  
**CERTIFICATE OF CLERK**

I, the undersigned, **Edna Scott Lloyd**, do hereby certify that I am the duly appointed, qualified and acting Clerk of the Town of Merigold, Mississippi, that Ken McGarrh is the Mayor of the Town of Merigold, Mississippi, and that the attached and foregoing **ORDER** is a true and exact copy of a **ORDER** of the Town of Merigold, Mississippi, adopted by the Mayor and Board of Aldermen of the Town of Merigold, Mississippi, at its regular meeting thereof duly held on March 2, 2021, and is part of the Official Minutes for the Town of Merigold, Mississippi.

**WITNESSED MY SIGNATURE on this the 3<sup>rd</sup> day of March, 2021.**

  
\_\_\_\_\_  
**EDNA SCOTT LLOYD, Town Clerk**

**(S E A L)**

**BEFORE THE ELECTION COMMISSION FOR  
THE TOWN OF MERIGOLD, MISSISSIPPI**

**Re: 2021 Municipal Election**

**MINUTES OF MEETING OF ELECTION COMMISSIONERS  
ON MONDAY, FEBRUARY 8, 2021 AT 1:00 PM**

**WHEREAS**, that the Election Commissioners for the Town of Merigold, Mississippi, consisting of Jenny Smith, Everett Fisher and Candice Chase, met in official session to canvas and determine whether such persons who submitted Statements of Intent and Petitions were sufficient under the law for the 2021 Municipal Election; and,

**WHEREAS, Mississippi Code Annotated §23-15-361** requires an Independent Candidate seeking the office of Mayor and/or Alderman submit a “Qualifying Statement of Intent for and Independent Candidate” together with a Qualifying Petition. In a municipality with a population of less than one thousand (1,000) residents the Petition shall be signed by at least fifteen (15) qualified voters of the municipality or ward depending on the election for such office of either Mayor or Ward, respectively and shall be completed in all respects shown thereon including, but not limited to, the date of the General Election, which for 2021 will be held on June 8, 2021; and,

**WHEREAS, Mississippi Code Annotated §23-15-11 (1972), as amended**, establishes the qualifications for a person to seek office in a municipal election to include: the person shall be 18 years of age or upwards, who has resided in the State of Mississippi for thirty (30) days and for thirty (30) days in the County in which he or she offers to vote or for thirty (30) days in the incorporated city or town in which he or she offers to vote; that such person shall be a registered voter and that such person shall never have been convicted of any crime, to include a conviction

of bribery, perjury, or any other crime punishable by at least one (1) year confinement in the Mississippi Penitentiary; and,

**WHEREAS, Mississippi Code Annotated §23-15-363(5)**, requires a municipal election commission to determine whether a party candidate or a person who is qualified as an independent candidate for either Mayor or Alderman meets all qualifications on or before the date of the general or special election in which he or she could be elected to office; and,

**NOW, BE IT REMEMBERED**, that the Election Commissioners for the Town of Merigold, Mississippi, did meet for the purpose of reviewing and determining whether all candidates who had submitted qualifying Statements of Intent for an Independent Candidate and Candidate Petitions for an Independent Candidate for Alderman or an Independent Candidate for Mayor meet all qualifications to hold such office and to ascertain whether the aforesaid papers were properly completed in accordance with the law and in furtherance of their duties the Election Commissioners of the Town of Merigold, Mississippi, did find the following:

1. With respect to the office of Mayor for the Town of Merigold, Mississippi, one (1) candidate, Ken McGarrh, filed qualifying papers as an independent candidate for Mayor. The Election Commissioners reviewed and found the Statement of Intent for an Independent Candidate and Candidate Petition for an Independent Candidate for Mayor submitted by Ken McGarrh contained more than fifteen (15) qualified electors from the Town of Merigold, MS; that the persons signing the Petition were qualified electors residing in the Town of Merigold, MS and that the Statement of Intent for an Independent Candidate and Candidate Petition for Independent Candidate for Mayor filed by Ken McGarrh was completed as required by law.

On motion by Jennie Smith, seconded by Everett Fisher and unanimously approved, **IT IS ORDERED** that the Qualifying Statement of Intent for Independent Candidate for Office of Mayor and on the Candidate Petition for Independent Candidate For Mayor submitted by Ken McGarrh was accepted as the only person qualifying to run for said office in the 2021 municipal election.

2. With respect to Ward One (1), the Election Commissioners found that only one (1) candidate, **Charles Sellers**, filed a Statement of Intent and Petition to run as independent candidate for Alderman. The Commission reviewed the Statement of Intent and the Petition, and found that the petition contained the names of fifteen (15) registered electors from Ward One (1); that **Charles Sellers** has not been convicted of a felony punishable by more than one (1) year incarceration in the Mississippi State Penitentiary and that the Statement of Intent for an Independent Candidate and Candidate Petitions for Independent Candidate were in proper form containing all required information and the date of general election as required by law.

3. With respect to Ward Two (2), the Election Commissioners found that only one (1) candidate, **Pierce Criss**, filed a Statement of Intent and Petition to run as independent candidate for Alderman. The Commission reviewed the Statement of Intent and the Petition, and found that the petition contained the names of fifteen (15) registered electors from Ward Two (2); that **Pierce Criss** has not been convicted of a felony punishable by more than one (1) year incarceration in the Mississippi State Penitentiary and that the Statement of Intent for an Independent Candidate and Candidate Petitions for Independent Candidate were in proper form containing all required information and the date of general election as required by law.

4. With respect to Ward Three (3), the Election Commissioners found that only one (1) candidate, **John Latham Meyer**, filed a Statement of Intent and Petition to run as independent candidate for Alderman. The Commission reviewed the Statement of Intent and the Petition, and found that the petition contained the names of fifteen (15) registered electors from Ward Three (3); that **John Latham Meyer** has not been convicted of a felony punishable by more than one (1) year incarceration in the Mississippi State Penitentiary and that the Statement of Intent for an Independent Candidate and Candidate Petitions for Independent Candidate were in proper form containing all required information and the date of general election as required by law.

5. With respect to Ward Four (4), the Election Commissioners found that only one (1) candidate, **Stephen Smith**, filed a Statement of Intent and Petition to run as independent candidate for Alderman. The Commission reviewed the Statement of Intent and the Petition, and found that the petition contained the names of fifteen (15) registered electors from Ward Four (4); that **Stephen Smith** has not been convicted of a felony punishable by more than one (1) year incarceration in the Mississippi State Penitentiary and that the Statement of Intent for an Independent Candidate and Candidate Petitions for Independent Candidate were in proper form containing all required information and the date of general election as required by law.

6. With respect to Alderman at large the Election Commissioners found that only one (1) candidate, **Brent Branning**, filed a Statement of Intent and Petition to run as independent candidate for Alderman. The Commission reviewed the Statement of Intent and the Petition, and found that the petition contained the names of fifteen (15) registered electors from Ward Five (5); that **Brent Branning** has not been convicted of a felony punishable by more than



one (1) year incarceration in the Mississippi State Penitentiary and that the Statement of Intent for an Independent Candidate and Candidate Petitions for Independent Candidate were in proper form containing all required information and the date of general election as required by law.

7. The Election Commissioners found that the deadline to qualify as a candidate for an either Mayor or Alderman had expired at 5:00 p.m., on February 5, 2021, and that no other candidates may qualify for any of the municipal offices according to **Mississippi Code Annotated §23-15-363 (1972)**.

**IN ACCORDANCE** with **Mississippi Code Annotated §23-15-363(6)**, and on motion by Jenny Smith, seconded by Everett Fisher, and all members voting “**AYE**”, **IT IS ORDERED** that only one (1) candidate duly qualified as a candidate for the Offices of Mayor and Alderman Ward One (1), Ward Two (2), Ward Three (3 ), Ward Four (4) and Alderman at Large . Based on the fact that not more than one (1) person duly qualified to run as a candidate for the Offices of Mayor, Ward One (1), Ward Two (2), Ward Three (3) Ward Four (4) and and Alderman at Large, the General Election for the Mayor and Aldermen for Wards One (1), Two (2), Three (3), Four (4) and Alderman at Large in the Town of Merigold, Mississippi, scheduled for June 8, 2021 is hereby dispensed with and each candidate as heretofore identified who were found to have duly qualified for Mayor and Alderman for Wards One (1), Two (2), Three (3), Four (4) and and Alderman at Large are declared unopposed and therefore are duly and legally elected as follows:

Mayor:	Ken McGarrh
Ward One (1):	Charles Sellers
Ward One (2):	Pierce Criss

Ward Three (3): John Latham Meyer

Ward Four (4): Stephen Smith

Alderman

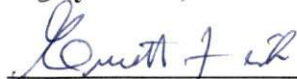
at Large: Brent Branning

On motion by Jenny Smith, seconded by Everett Fisher, and unanimously approved, **IT IS ORDERED** that the above persons are declared elected to the offices so identified; that a copy of these minutes shall be provided to the Board of Aldermen and Mayor of the Town of Merigold, Mississippi, with a request a copy of these Minutes be made a part of the regular Minutes for the Town of Merigold, Mississippi; that a certified copy and an appropriate report be sent to the Secretary of State for the State of Mississippi in accordance with and as required by the law regarding certification of candidates for Mayor and Aldermen for Wards One (1), Two (2), Three (3), Four (4) and Alderman at Large for the Town of Merigold, Mississippi, for the 2021 Municipal Election scheduled for June 8, 2021, which is cancelled as provided by law.

A copy of all documents referred to in these Minutes are attached hereto and marked as a **Collective Exhibit "A"** hereof.

**SO ORDERED on this the 8th day of February, 2021.**

  
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**Jenny Smith, Chairman**

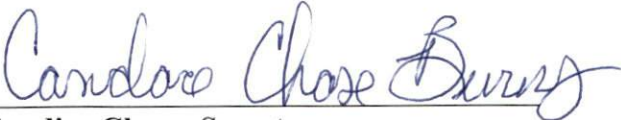
  
\_\_\_\_\_  
**Everett Fisher**

  
\_\_\_\_\_  
**Candace Chase, Secretary**

**CERTIFICATE**

The undersigned, Candice Chase, hereby certifies as Secretary for the Election Commission for the Town of Merigold, Mississippi, that the above Minutes for the Election Commissioners for the Town of Merigold, Mississippi dated February 8, 2021, are a true and correct copy of the original Minutes signed and executed by said Election Commissioners on February 8, 2021, the original of which having been filed in the official papers for the Election Commissioners for the Town of Merigold, Mississippi.

**SO CERTIFIED this the 8th day of February, 2021.**

  
**Candice Chase, Secretary**