

ORIGINAL

IN THE SUPREME COURT OF MISSISSIPPI

NO. 2023-M-01272-SCJ

IN RE MISSISSIPPI REPUBLICAN PARTY

**PETITION FOR EXTRAORDINARY WRIT OF PROHIBITION OR MANDAMUS
DIRECTED TO THE CHANCERY COURT FOR THE FIRST JUDICIAL DISTRICT
OF HINDS COUNTY, MISSISSIPPI, OR IN THE ALTERNATIVE,
FOR INTERLOCUTORY APPEAL BY PERMISSION**

FILED

NOV 28 2023

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Spencer M. Ritchie (MSB #103636)
FORMAN WATKINS & KRUTZ LLP
210 East Capitol Street, Suite 2200
P.O. Box 22608
Jackson, Mississippi 39201
(601) 960-8600

Spencer.Ritchie@formanwatkins.com

*COUNSEL FOR PETITIONER
MISSISSIPPI REPUBLICAN PARTY*

MOTION# 2023-3680

INTRODUCTION

Late in the day on November 7, 2023, general election day in Mississippi, the Chancery Court for the First Judicial District of Hinds County, Mississippi, the Honorable Dewayne Thomas presiding, entered an order extending voting hours from 7:00pm, the statutorily set time at which voting must end, to 8:00pm. The Chancery Court's order extended such hours for all precincts in Hinds County, of which there are one hundred and eight (108). The Chancery Court issued the order in response to a Complaint and Motion for Temporary Restraining Order filed late the same day by the Mississippi Democratic Party and naming the Hinds County Election Commission and Circuit Clerk as defendants.

As a necessary but unnamed party in the Chancery Court proceeding and for good cause shown, the Mississippi Republican Party (or "Petitioner") hereby seeks a writ of prohibition or mandamus directed to the Chancery Court, pursuant to M.R.A.P. 21 and Miss. Code Ann. § 9-1-19. Alternatively, the Mississippi Republican Party asks this Court to grant an interlocutory appeal, pursuant to M.R.A.P. 5. The Chancery Court's order extending voting hours must be dissolved because the Court lacked subject matter jurisdiction to enter it and it was entered in contravention to Mississippi's election laws.

STATEMENT OF THE FACTS AND PROCEDURAL HISTORY

Mississippi's 2023 general election occurred on Tuesday, November 7th. That day in Hinds County, Mississippi, there were reports of certain precincts running out of ballots to issue to voters, resulting in a delay in voting until additional ballots arrived from the Hinds County Election Commission. According to media reports, up to nine precincts in Hinds County (out of a total of 108 precincts) ran out of ballots at some point during the day, with the longest gap in time for a

precinct lacking ballots being approximately two hours.¹ It is unknown how many, if any, Hinds County voters were ultimately unable to cast a ballot on election day because of voting delays caused by alleged precinct ballot shortages.

At some point late on election day, the Mississippi Democratic Party filed a “Complaint and Motion for Temporary Restraining Order” in the Chancery Court of Hinds County, Mississippi, First Judicial District, and naming the Hinds County Election Commission and Circuit Clerk as defendants. *See* Exhibit A. The complaint alleged “a large [but undefined] number of precincts in Hinds County ran out of ballots during election day and are continuing to run out of ballots, leading to long lines, extensive delays, and voters leaving the polling places without voting” *Id.* The complaint further alleged that “although additional ballots were eventually delivered to the polling places, many voters who left the precincts because they could not vote will not be able to return until after 7 PM.” *Id.* Finally, the complaint alleged that some “members and supporters” of the Mississippi Democratic Party “were deprived of their right to vote . . . when ballots were not available and will not be able to exercise that right if the precincts close at 7 PM as planned.” *Id.* The complaint added that “[t]his problem affects the rights of all voters not just members and supporters of the Democratic Party.” *Id.* As relief, the complaint sought an order requiring the defendants, *i.e.*, the Hinds County Election Commission and Circuit Clerk, “to extend the voting hours for all precincts in Hinds County from 7 to 8pm.” *Id.*

The only evidentiary support offered for the allegations was a single affidavit from an individual claiming to “have been involved in helping staff a Voter Assistance Hotline” on election day and citing calls from voters at five (5) identifiable polling locations in Hinds County reporting

¹Ashton Pittman, *Judge Extends Voting to 8 p.m. as Nine Hinds County Voting Precincts Run Out of Ballots*, MISSISSIPPI FREE PRESS, November 7, 2023, <https://www.mississippifreepress.org/37392/nine-hinds-county-voting-precincts-run-out-of-ballots-officials-cite-unexpectedly-large-turnout>

a lack of ballots. *Id.* (attached to Exhibit A). The affidavit identified only one precinct where the ballot shortage potentially had not been rectified at the time the complaint was filed. *Id.* At any rate, the affidavit did not identify a single voter who, despite the alleged ballot shortages, was ultimately unable to cast a vote. *Id.*

The exact time and manner in which the complaint was filed is unknown. The affidavit attached to the complaint refers to a ballot shortage at a precinct occurring “around 4:00pm,” *id.*, so the complaint must have been filed after that time. Furthermore, at 4:56pm, two different deputy clerks in the Hinds County Chancery Clerk’s office told undersigned counsel that no complaints had been filed seeking to extend voting hours, and undersigned counsel personally witnessed no individuals enter the Chancery Court building after that time and until the building was closed and locked at 5:00pm. *See* Exhibit B (affidavit).

Nevertheless, at some point in the Six-o-clock hour on election day, the Honorable Dewayne Thomas, Hinds County Chancery Judge, entered an order extending voting hours from 7:00pm to 8:00pm for *all* precincts in Hinds County. *Id.*; *see* Exhibit C (order). As support for the order, the Chancellor stated only, “A number of precincts in Hinds County ran out of ballots during election day and are continuing to run out of ballots and others may run out going forward. It takes time to deliver more ballots to precincts.” *See* Exhibit C.

At no time was the Mississippi Republican Party provided notice of the complaint or the order, despite the Mississippi Democratic Party expressly acknowledging in the complaint that the alleged events giving rise to it affected “not just members and supporters of the Democratic Party.” *See* Exhibit B. Undersigned counsel for the Mississippi Republican Party did not learn of the Chancery Court’s order until it was reported on social media at 6:32pm. *Id.* As soon as it learned

of the order, the Mississippi Republican Party filed with the Mississippi Supreme Court a “Motion to Intervene and Emergency Appeal” concerning it. *See* Case No. 2023-M-01207.

Meanwhile, earlier, at approximately 5:30pm, an entity named Mississippi Votes filed a “Complaint for Declaratory and Injunctive Relief” in the Circuit Court of Hinds County Mississippi, First Judicial District, and naming the Hinds County Election Commissioners and Circuit Clerk as defendants. *See* Case No. 2023-AP-01206 (Trial Court Complaint for Declaratory and Injunctive Relief). Unlike the action filed in Chancery Court, as discussed above, the Circuit Court action filed by Mississippi Votes identified four expressly named polling locations where delays in the voting process allegedly occurred due to ballot shortages. *Id.* The complaint sought an order requiring that the four named polling locations remain open until 9:00pm. *Id.* Attached to the complaint were affidavits from individuals who stated they worked on election day for “election protection” and as a “poll monitor” and either were told about or personally observed ballot shortages at three of the four polling locations where an extension in voting hours was sought. *Id.*

Undersigned counsel personally witnessed the filing of Mississippi Votes suit at the Hinds County Circuit Clerk’s office, and, on behalf of the Mississippi Republican Party, immediately filed a notice of appearance and a motion to intervene as an interested party. *See* Exhibit B and Case No. 2023-AP-01206 (notice and motion attached to Trial Court Complaint for Declaratory and Injunctive Relief).

Soon after the Circuit Court action was filed, the Circuit Clerk transmitted the complaint to the Mississippi Supreme Court for appointment of a special judge, pursuant to Mississippi Code Annotated § 23-15-913. At 6:30pm, the Honorable Michael K. Randolph, Chief Justice of the

Mississippi Supreme Court, entered an order appointing the Honorable Jess H. Dickinson, Senior Status Judge, as special judge to rule on the Circuit Court complaint.

At 7:15pm, Special Circuit Judge Dickinson issued an order requiring that the four polling locations at issue in the Circuit Court action remain open “until the last qualified voter, who was standing in line at the polling place at 7:00pm, has cast his or her ballot, or 7:00pm, whichever is later.” *See* Case No. 2023-AP-01206 (Trial Court Order Granting in Part and Denying in Part Plaintiff’s Motion).

At 7:34pm, Mississippi Votes filed a motion for reconsideration of Special Judge Dickinson’s order. The Mississippi Republican Party filed a response in opposition to the motion. At 8:15pm, Special Judge Dickinson entered an order denying the motion for reconsideration.

Given the conflicting orders from the Chancery Court and the Special Judge appointed by the Mississippi Supreme Court, there was confusion in Hinds County on election night as to the proper time for polls to close.² The obvious implication of the Special Judge’s order was that if the four polling locations identified by the Mississippi Votes’ complaint as allegedly having problems on election day were to remain open only until the last remaining voter in line at 7:00pm cast his or her vote, then all other polling locations were not to remain open any longer. It is unknown how many and which polling locations in Hinds County followed the Chancery Court order to remain open until 8:00pm, in violation of the Special Judge’s order.

² Sarah Ulmer, *Appeal filed to block Hinds County voting extension*, MAGNOLIA TRIBUNE, November 7, 2023, <https://magnoliatribune.com/2023/11/07/appeal-filed-with-mississippi-supreme-court-to-block-hinds-county-voting-extension/>

QUESTIONS PRESENTED

1. Whether the Chancery Court for the First Judicial District of Hinds County, Mississippi had subject matter jurisdiction to enter the order extending voting hours on election day in Hinds County.
2. Whether election day disputes may be judicially resolved in any manner other than pursuant to Mississippi Code Annotated § 23-15-913.

STATEMENT OF THE CURRENT STATUS OF THE CASE

After obtaining from the Chancery Court the order extending voting hours on November 7, 2023, the Mississippi Democratic Party filed the next day, on November 8, 2023, a notice of voluntary dismissal pursuant to Miss. R. Civ. Proc. 41(a)(1)(i).

STATEMENT OF TIMELINESS

The order extending voting hours in Hinds County of which review is sought was entered on November 7, 2023. This petition is being filed within 21 days after that day, as required by Rule 5(a).

STATEMENT OF RELATED CASES

As discussed above, in addition to the Chancery Court action filed by the Mississippi Democratic Party, an entity named Mississippi Votes filed in the Circuit Court of Hinds County, Mississippi, First Judicial District, a similar action seeking to extend voting hours. *See* Case No. 2023-AP-01206. That action was transmitted to the Mississippi Supreme Court pursuant to Mississippi Code Annotated § 23-15-913 for appointment of a special judge. *Id.* The Chief Justice appointed the Honorable Jess Dickinson as Special Judge, who soon thereafter issued a ruling. *Id.* Mississippi Votes filed a notice of appeal with this Court on November 8, 2023, but then filed a

motion for voluntary dismissal on November 13, 2023, which this Court granted the same day. *See* Case No. 2023-EC-01214-SCT.

REASONS WHY RELIEF SHOULD BE GRANTED

I. THE COURT SHOULD FIND THAT THE MISSISSIPPI REPUBLICAN PARTY HAS STANDING TO FILE THIS PETITION AND THAT NO PROCEDURAL RULES BAR ITS FILING.

A. Petitioner should have been joined as a necessary party to the Chancery Court action under Rule 19.

Rule 19(a) of the Mississippi Rules of Civil Procedure provides:

A person who is subject to the jurisdiction of the court shall be joined as a party in the action if:

- (1) in his absence complete relief cannot be accorded among those already parties, or
- (2) he claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may (i) as a practical matter impair or impede his ability to protect that interest or (ii) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of his claimed interest.

“A necessary party is one who has such a substantial interest in the suit that no complete, practical, and final judgment can be made without directly affecting his interest or else leaving the controversy in such condition that its final determination may be wholly inconsistent with equity and good conscience.” *Titus v. Stelzer*, 371 So. 3d 806, 808 (Miss. Ct. App. 2023).

The Comment to Rule 19 states:

There is no precise formula for determining whether a particular nonparty must be joined under Rule 19(b). The decision has to be made in terms of the general policies of avoiding multiple litigation, providing the parties with complete and effective relief in a single action, and protecting the absent persons from the possible prejudicial effect of deciding the case without them.

The complaint filed in the Chancery Court by the Mississippi Democratic Party itself indirectly but expressly acknowledged that the Mississippi Republican Party held interests related

to the action, alleging that the “rights of all voters not just members and supporters of the Democratic Party” were being affected. In short, as much as the Mississippi Democratic Party held interests in the subject of the Chancery Court action, so did Petitioner. Therefore, Petitioner should have been joined to the action as a necessary party.

B. For good cause shown, Petitioner has standing to bring this petition and any procedural rules that might operate to bar it should be waived.

While the extraordinary relief of a remedial writ and interlocutory appeals are ordinarily reserved for parties to an underlying action, Rule 2(c) of Mississippi Rules of Appellate Procedure permits the Court to suspend such rules for good cause shown.

As explained above, through undersigned counsel, Petitioner made diligent efforts to learn whether any action had been filed in the Chancery Court seeking to extend voting hours. Due to the unknown and possibly surreptitious nature of the filing, Petitioner was prevented from doing so. Had it been aware of the filing, Petitioner would have done exactly as it did when the Circuit Court action was filed, which was to immediately appear and seek to intervene. *See* Exhibit B. As further evidence of this, as soon as it learned of the Chancery Court’s order, as mentioned above, the Petitioner filed with this Court a motion to intervene and emergency appeal of the order. Finally, and as stated above, less than 24 hours after obtaining the order extending voting hours, the Mississippi Democratic Party voluntarily dismissed the underlying complaint.

For these reasons and good cause shown, this Court should suspend any and all rules—standing, procedural, or otherwise—which would prevent Petitioner from bringing the instant petition. *See In re McMillin*, 642 So. 2d 1336 (Miss. 1994) (applying Rule 2(c) to waive procedural rules and concluding judicial candidate had standing to petition for a writ of prohibition dissolving trial court order enjoining judicial election despite not being a party to the underlying action).

II. THE CHANCERY COURT LACKED SUBJECT MATTER JURISDICTION OVER THE ACTION FILED BY THE MISSISSIPPI DEMOCRATIC PARTY.

“[C]hancery courts in this state do not have the jurisdiction to enjoin elections or to otherwise interfere with political and electoral matters which are not within the traditional reach of equity jurisdiction.” *In re Bell*, 962 So. 2d 537, 540–41 (Miss. 2007) (internal quotation omitted). Accordingly, “[b]y a long line of decisions this court has held that courts of equity deal alone with civil and property rights and not with political rights.” *Id.* at 541. (internal quotation omitted). And “[i]t is well settled that a judgment rendered by a court having no jurisdiction of the subject matter is void, not merely voidable, and may be attacked directly or collaterally, anywhere, and at any time. Such a judgment is a usurpation of power and is an absolute nullity.” *Duvall v. Duvall*, 80 So. 2d 752, 755 (Miss. 1955). Simply put, given that the Chancery Court lacked subject matter jurisdiction to issue the order extending voting hours in Hinds County, the order is a nullity and must be dissolved as void.

III. MISSISSIPPI CODE SECTION 23-15-913 IS THE EXCLUSIVE REMEDY FOR ELECTION DAY DISPUTES.

This Court has long held to the doctrine of judicial non-interference in Mississippi’s election scheme except only for statutorily provided judicial review. *In re Wilbourn*, 590 So. 2d 1381, 1384–86 (Miss. 1991). The Mississippi Legislature has provided a means for judicial review of election day controversies, such as what allegedly occurred in Hinds County relating to ballot shortages:

The judges listed and selected to hear election disputes, as provided in Section 23-15-951, shall be available on election day to immediately hear and resolve any election day disputes. The rules for filing pleadings shall be relaxed to carry out the purposes of this section. The judges selected shall perform no other judicial duties on election day. The Supreme Court shall make judges available to hear disputes in the county in which the disputes occur but no judge shall hear disputes in the district or county in which he or she was elected nor shall any judge hear any dispute in

which any potential conflict may arise. Each judge shall be fair and impartial and shall be assigned on that basis.

Miss. Code. Ann. § 23-15-913. Indeed, as referenced above, this is the statute under which the Circuit Court action filed by Mississippi Votes was properly handled by the Hinds County Circuit Clerk and this Court. *See* Case No. 2023-AP-01206.

Therefore, pursuant to the well-established judicial non-interference doctrine, because the Legislature, through Miss. Code Ann. § 23-15-913, has specifically provided a means for judicial review of election day controversies, such review can be sought in no other manner. *See In re Wilbourn*, 590 So. 2d 1381, 1386 (Miss. 1991) (“[T]he statutory provision is the exclusive remedy.”). And because this Chancery Court action was not filed and heard under § 23-15-913, for this additional reason the Chancery Court lacked jurisdiction to issue the order extending voting hours, and the order must be dissolved as void.

IV. THIS COURT SHOULD HEAR AND RESOLVE THIS MATTER EITHER BY AN EXTRAORDINARY WRIT OR BY INTERLOCUTORY APPEAL.

This Court reviewed and reversed the improper entry of a temporary restraining order pursuant to an extraordinary writ under Rule 21 in *In re Wilbourn*. There, the Circuit Court for the First Judicial District of Hinds County had issued a temporary restraining order preventing the Hinds County Election Commission from certifying the winner of an election. The Election Commission and one of the candidates promptly sought extraordinary relief from this Court under Rule 21. After reviewing its precedent in which courts had been instructed to stay out of the election process unless the legislature had provided a judicial role, this Court reversed the trial court, concluding: “On the basis of this non-interference doctrine, the TRO should not have been entered to stop the Election Commission from performing its statutory duties.” *Id.* at 1385. Here,

the Chancery Court's erroneous order extending voting hours may be reviewed and reversed on petition for extraordinary writ under Rule 21, just as this Court did in *In re Wilbourn*.

Alternatively, this Court can review the Chancery Court's order under Rule 5 of the Mississippi Rules of Appellate Procedure. Rule 5(a) provides:

An appeal from an interlocutory order may be sought if a substantial basis exists for a difference of opinion on a question of law as to appellate resolution may . . . [r]esolve an issue of general importance in the administration of justice.

The Chancery Court issued an order extending voting hours lacking jurisdiction to do so, without joining necessary parties, and in contravention of statutory directives and this Court's precedent. Furthermore, the Chancery Court order was in conflict with a valid order issued by a Special Judge appointed by this Court. This appeal will enable the Court to resolve these issues of unquestionable importance to the administration of justice.

V. THIS COURT SHOULD HEAR AND RESOLVE THIS MATTER DESPITE THE ELECTION HAVING ALREADY OCCURRED.

To the extent this petition can be viewed as moot given election day has passed, it is excepted from the mootness doctrine because the issues herein are (1) of great public interest and (2) capable of repetition yet evading review. Both exceptions apply here.

“This Court will review an otherwise moot issue when the question concerns a matter of such a nature that it would be distinctly detrimental to the public interest that there should be a failure by the dismissal to declare and enforce a rule for future conduct.” *Barrett v. City of Gulfport*, 196 So. 3d 905, 912 (Miss. 2016) (internal quotations omitted). This Court has specifically found this exception applies when needed “to provide much needed clarity for future elections.” *Perkins v. McAdams*, 234 So. 3d 413, 417 (Miss. 2017) (citing *Misso v. Oliver*, 666 So. 2d 1366, 1369 (Miss. 1996)).

As stated above, the invalid Chancery Court order conflicted with the valid Special Judge order, causing confusion among Hinds County voters and potentially sowing public doubt about the reliability of election results. What happened in Hinds County on election night in the judiciary could easily happen again, and future underlying controversies could relate to any range of election day issues, *i.e.*, not just alleged ballot shortages. Clarity for future elections as to the proper manner for election day disputes to be resolved judicially is desperately needed. *See id.* Therefore, the Court should grant the instant petition notwithstanding any mootness concerns.

Additionally, “[t]his Court will not consider a case to be moot if the challenged action is capable of repetition yet evading review, meaning that (1) The challenged action was in its duration too short to be fully litigated prior to its cessation or expiration, and (2) There was a reasonable expectation that the same complaining party would be subject to the same action again.” *Id.* (internal quotations omitted). The Court has recognized that “election cases often present questions ‘capable of repetition, yet evading review.’” *Id.*

Without a ruling from this Court that the Chancery Court lacked jurisdiction to enter the order extending voting hours on election night, there exists no safeguard from it happening again. And given the extreme time constraints on election day, it would be almost impossible to detect and intervene in time to try and stop a court from acting for lack of jurisdiction. In short, this petition presents questions that are quintessentially “capable of repetition, yet evading review.” *Id.* For this additional reason, the Court should grant the instant petition notwithstanding any mootness concerns.

CONCLUSION

For the reasons stated herein, the Mississippi Republican Party asks that this Court grant the instant petition and dissolve the Chancery Court’s order as void.

RESPECTFULLY SUBMITTED, this the 28th of November, 2023.



Spencer M. Ritchie (MSB # 103636)
Spencer.Ritchie@formanwatkins.com
FORMAN WATKINS & KRUTZ LLP
210 E. Capital Street, Suite 2200
Jackson, MS 39201-2375
Telephone: (601) 960-8600
Facsimile: (601) 960-8613

Counsel for Petitioner

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF SERVICE

I, Spencer M. Ritchie, do hereby certify that I have this day caused to be delivered by email or by hand the foregoing petition to the following:

Robert B. McDuff
767 North Congress Street
Jackson, Mississippi 39202
rbm@medufflaw.com

Counsel for Plaintiff Mississippi Democratic Party in Chancery Court Proceeding

Hinds County Election Commission
c/o Chairman Yvonne R. Horton
P.O. Box 946
Jackson, Mississippi 39205
yhorton@co.hinds.ms.us

Defendant in Chancery Court Proceeding

Hinds County Circuit Clerk Zack Wallace
P.O. Box 327
Jackson, Mississippi 39205
zwallace@co.hinds.ms.us

Defendant in Chancery Court Proceeding

The Honorable Dewayne Thomas
316 S. President St.
Jackson, Mississippi 39201

Judge in Chancery Court Proceeding

THIS, the 28th day of November, 2023.



SPENCER M. RITCHIE

IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

FILED
NOV 07 2023

MISSISSIPPI DEMOCRATIC PARTY

Plaintiff,

v.

HINDS COUNTY ELECTION
COMMISSION AND HINDS COUNTY
CIRCUIT CLERK ZACK WALLACE

Defendants.

EDDIE JEAN CARR, CHANCERY CLERK

BY [Signature] D.C.

Civil Action No. G2023-1247 T/1

**COMPLAINT AND MOTION FOR
TEMPORARY RESTRAINING ORDER**

Because a large number of precincts in Hinds County ran out of ballots during election day and are continuing to run out of ballots, leading to long lines, extensive delays, and voters leaving the polling places without voting, this Court should issue an order requiring the Defendants Hinds County Election Commission and the Hinds County Circuit Clerk to extend the voting hours from 7 PM to 8 PM in all precincts. Although additional ballots were eventually delivered to the polling places, many voters who left the precincts because they could not vote will not be able to return until after 7 PM.

The shortage of ballots is still a problem. The Byram 1 precinct ran out of ballots mid-afternoon and it is unknown when they can be replaced. Others may run out between now and 7 PM.

The Plaintiff Mississippi Democratic Party includes members and supporters who vote in Hinds County and have been impacted by these delays. Some were deprived of their right to vote

under the Mississippi Constitution and Mississippi's laws when ballots were not available and will not be able exercise that right if the precincts close at 7 PM as planned. This problem affects the rights of all voters not just members and supporters of the Democratic Party.

This Complaint raises claims under the laws of the State of Mississippi. The relief sought in this case is a request in equity. Therefore, subject-matter jurisdiction over this suit lies with the Chancery Court. Miss. Const. art. VI, § 159(a). Venue exists because this failure of ballots occurred in Hinds County.

Notice has being given to Tony Gaylor, counsel for the defendants. tgaylor@co.hinds.ms.us, and this complaint is being transmitted to him by email.

Because of these violations, described in the accompanying affidavits, this Court should order the defendants to extend the voting hours for all precincts in Hinds County from 7 to 8 PM.

Dated: November 7, 2023

Respectfully submitted,


Robert B. McDuff
MSB 2532
767 North Congress Street
Jackson, MS 39202
(601) 259-8484

Counsel for Plaintiff

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the county aforesaid,
EUGENE CORBIN who, after being placed under oath, stated the following:

1. I am adult citizen, and competent to testify to the matters stated herein.
2. Throughout the day of November 7, 2023, I have been involved in helping staff a Voter Assistance Hotline, to which voters can call if they need assistance in voting during today's election.
3. Beginning about 12:00 p.m., we began to receive numerous calls from Hinds County voters, reporting difficulties in casting their votes.
4. More specifically, numerous voters in Clinton, Byram, and Raymond reported to me personally, and to others manning our hotline, that they were turned away at the polls solely because the polling stations had run out of ballots.
5. These precincts included, but were not limited to, Byram 1, Wildwood Baptist (Clinton 2), Clinton Fire Station, Raymond 1 (United Methodist Church), and Clinton 5 (Library). These are confirmed, specific complaints from identifiable individuals. There were numerous other complaints from other individuals from many other Hinds County precincts, which we believe to be true but have not had time to confirm.
6. Around 4 p.m., we received notice that Byram 1, Wildwood Baptist (Clinton 2) had run out of ballots while over 50 voters remained online. We have yet to receive notice of ballots being restored.

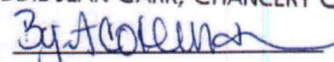
This, the 7th day of November, 2023.


EUGENE CORBIN

Sworn to and subscribed before me, this the 7th day of November, 2023.



EDDIE JEAN CARR, CHANCERY CLERK



My Commission Expires:

My Commission Expires Jan. 1, 2024

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT B

AFFIDAVIT OF SPENCER M. RITCHIE

I, Spencer M. Ritchie, state as follows:

1. I am over twenty-one (21) years of age, am of sound mind, and have personal knowledge of the following facts.
2. On November 7, 2023, I served as counsel to the Mississippi Republican Party regarding any election day legal issues.
3. At approximately 4:30pm on election day, I received reports that lawsuits were being considered to extend voting hours in Hinds County. Soon thereafter, I went to the Hinds County Chancery Court to determine if any such suit had been filed there. Upon arriving at the Chancery Court building, at 4:56pm, I was told by two different deputy clerks that no such suit had been filed. I was told this after asking each deputy clerk if they would know if anything had been filed and to which they responded in the affirmative. I then stayed outside the Chancery Court building entrance until I watched building security lock the doors and turn off the lights, which occurred at approximately 5:05pm. I saw no people enter the Chancery Court building between the time I was told no suits had been filed and the time the building was closed and locked.
4. I, nor anyone else on behalf of the Mississippi Republican Party, did not learn of the Mississippi Democratic Party's complaint and the resulting order obtained from the Chancery Court until 6:32pm when it was reported on social media. Immediately upon being made aware of the order, on behalf of the Mississippi Republican Party, I filed with the Mississippi Supreme Court a "Motion to Intervene and Emergency Appeal" concerning the order.
5. Immediately upon leaving the Chancery Court building at approximately 5:05pm, I went to the Hinds County Circuit Clerk's office to see if any suit had been filed there seeking to extend voting hours. While at the Circuit Clerk's office, I witnessed the filing of the Mississippi Votes' complaint, and I immediately filed, on behalf of the Mississippi Republican Party, a notice of appearance and a motion to intervene as an interested party in the matter.
6. Had I been made aware of the Mississippi Democratic Party's suit in Chancery Court, I would have responded in the exact manner I did with the Mississippi Votes suit in Circuit Court, which was to file, on behalf of the Mississippi Republican Party, a notice of appearance and a motion to intervene.

EXHIBIT B

Executed on November 28, 2023.



Spencer M. Ritchie

THE STATE OF MISSISSIPPI

COUNTY OF Hinds

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Spencer M. Ritchie, who after having been duly sworn, states upon oath that the matters and facts set forth above are true and correct to the best of his knowledge and belief.

Notary Public 

My Commission Expires: Aug. 10, 2027



RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

FILED
NOV 07 2023

MISSISSIPPI DEMOCRATIC PARTY
Plaintiff,

v.

HINDS COUNTY ELECTION
COMMISSION AND HINDS COUNTY
CIRCUIT CLERK ZACK WALLACE

Defendants.

EDDIE JEAN CARR, CHANCERY CLERK
BY *Acotena* D.C.


Civil Action No. G 2023-1247 T/1

ORDER EXTENDING VOTING HOURS

A number of precincts in Hinds County ran out of ballots during election day and are continuing to run out of ballots and others may run out going forward. It takes time to deliver more ballots to the precincts. Because of the disruption this has caused, the Court grants the motion of the Plaintiff to extend the closing hours in Hinds County from 7 PM to 8 PM. The Defendants did not take a position in response to the motion but acknowledged that several precincts had run out of ballots.

Accordingly, the Hinds County Election Commission and the Hinds County Circuit Clerk are hereby ORDERED to extend the closing hours for all precincts from 7 PM to 8 PM.

This 7th day of November, 2023.


DEWAYNE THOMAS
HINDS COUNTY CHANCERY JUDGE