

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

HAROLD HARRIS, PASTOR ROBERT
TIPTON, JR., DELTA SIGMA THETA
SORORITY, INC., and DESOTO
COUNTY MS NAACP UNIT 5574,

Plaintiffs,

v.

DESOTO COUNTY, MISSISSIPPI;
DESOTO COUNTY BOARD OF
SUPERVISORS; and DESOTO COUNTY
ELECTION COMMISSION,

Defendants.

No. 3:24-cv-00289-GHD-RP

**PLAINTIFFS' OPENING BRIEF IN
RESPONSE TO *LOUISIANA V. CALLAIS***

RETRIEVED FROM E-PROCRACYDOCKET.COM

TABLE OF CONTENTS

TABLE OF CONTENTS	i
TABLE OF AUTHORITIES.....	ii
BACKGROUND	1
ARGUMENT	2
I. PLAINTIFFS HAVE SATISFIED <i>GINGLES</i> I UNDER THE <i>CALLAIS</i> STANDARD. ...	2
II. PLAINTIFFS’ RACIALLY POLARIZED VOTING EVIDENCE SATISFIES <i>GINGLES</i> II AND III UNDER THE <i>CALLAIS</i> STANDARD.	5
III. THE TOTALITY OF THE CIRCUMSTANCES EVIDENCE PLAINTIFFS PRESENTED AT TRIAL RAISES AN INFERENCE OF CURRENT INTENTIONAL DISCRIMINATION.....	7
A. Evidence of Intentional Discrimination in the Passage of the Enacted Plan	7
i. Sequence of Events	8
ii. Procedural and Substantive Departures.....	9
iii. Direct Evidence that the County Sought and the Cartographer Used Unconstitutional Racial Targets	11
iv. The Disparate Impact of the Decision was Known	12
B. Evidence of Present-Day Discrimination in Appointments and Hiring.....	13
C. Evidence of Present-Day Voting Barriers That Deter Black Voters at the Polls and from Elected Office.	14
D. Evidence That Elections in DeSoto County Are Currently Marred by Acts of White Prejudice Against Black Candidates.....	17
E. Evidence of Intentional Discrimination in the Unresponsiveness of DeSoto County Government to the Areas of DeSoto County Where Black People Reside.	19
F. Current Data Demonstrating the Current Effects of Intentional Racial Discrimination in DeSoto County	23
CERTIFICATE OF SERVICE	26

TABLE OF AUTHORITIES

<i>Ala. Legis. Black Caucus v. Alabama</i> , 575 U.S. 254 (2015)	11, 12
<i>Ala. State Conf. of the NAACP v. Allen</i> , 796 F. Supp. 3d 759 (N.D. Ala. 2025)	6
<i>Alexander v. S.C. State Conf. of the NAACP</i> , 602 U.S. 1 (2024)	2, 3
<i>Allen v. Milligan</i> , 599 U.S. 1 (2023)	2–5
<i>Bethune-Hill v. Va. State Bd. of Elections</i> , 580 U.S. 178 (2017)	3, 11
<i>Bd. of Trs. of State Insts. of Higher Learning v. Miss. Publishers Corp.</i> , 478 So. 2d 269 (Miss. 1985)	10
<i>Clark v. Calhoun Cnty., Miss.</i> , 88 F.3d 1393 (5th Cir. 1996)	19
<i>Cooper v. Harris</i> , 581 U.S. 285 (2017)	11
<i>Lodge v. Buxton</i> , 639 F.2d 1358 (5th Cir. Unit B 1981)	13, 19
<i>Louisiana v. Callais</i> , No. 24-109, 2026 WL 1153054 (U.S. Apr. 29, 2026)	<i>passim</i>
<i>Mayor & City Council & City of Columbus v. Com. Dispatch</i> , 234 So. 3d 1236 (Miss. 2017)	10
<i>Perkins v. Matthews</i> , 400 U.S. 379 (1971)	15
<i>Ratliff v. Beale</i> , 20 So. 865, 868 (Miss. 1896)	23
<i>Rogers v. Lodge</i> , 458 U.S. 613 (1982)	13
<i>Singleton v. Merrill</i> , 582 F. Supp. 3d 924 (N.D. Ala. Jan. 24, 2022)	4, 5
<i>Solomon v. Liberty County</i> , 899 F.2d 1012 (11th Cir. 1990)	17
<i>Thornburg v. Gingles</i> , 478 U.S. 3 (1986)	1

<i>United States v. Marengo Cnty. Comm’n</i> , 731 F.2d 1546 (11th Cir. 1984)	14
<i>Veasey v. Abbott</i> , 830 F.3d 216 (5th Cir. 2016) (en banc)	7, 8, 17
<i>Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.</i> , 429 U.S. 252 (1977)	7, 24
<i>White v. State Bd. of Election Comm’rs</i> , 795 F. Supp. 3d 794 (N.D. Miss. 2025)	5

RETRIEVED FROM DEMOCRACYDOCKET.COM

Plaintiffs Harold Harris, Pastor Robert Tipton, Jr., Delta Sigma Theta Sorority, Inc., and DeSoto County MS NAACP Unit 5574 (together, “Plaintiffs”) respectfully submit this opening brief regarding their continued entitlement to relief under Section 2 of the Voting Rights Act following the Supreme Court’s decision in *Louisiana v. Callais*. No. 24-109, 2026 WL 1153054 (Apr. 29, 2026) [hereinafter “*Callais*”].

BACKGROUND

The Supreme Court’s April 29, 2026, decision in *Louisiana v. Callais* answered one specific question: “whether compliance with the Voting Rights Act can indeed provide a compelling reason for race-based districting.” *Callais* at *1. The Court answered that question in the affirmative, holding that “§2, as properly construed, can provide [a compelling state] interest” to use race in redistricting. *Id.* In *Callais*, the Supreme Court considered a racial gerrymandering challenge to the state of Louisiana’s redrawing of its Congressional district lines, following a preliminary finding by a different federal court that a Louisiana congressional districting plan creating only a single majority-Black district likely violated Section 2 of the Voting Rights Act. *Id.* at *8–9.

To ensure lower courts properly construe Section 2 when evaluating claims that it has been violated, the Court’s *Callais* decision “update[d] the *Gingles* framework [to] realign[] it with the text of §2 and constitutional principles.” *Callais* at *15; see *Thornburg v. Gingles*, 478 U.S. 3 (1986). In addition to the previous showing required by *Gingles*’s first precondition, the Court in *Callais* added that (a) Section 2 Plaintiffs’ illustrative plans must be produced using districting criteria that would be constitutional if a state were drawing the map; and (b) Plaintiffs must meet “all the State’s legitimate districting objectives, including traditional districting criteria and the State’s specified political goals.” *Callais* at *15. To satisfy the second and third *Gingles* preconditions under *Callais*, “plaintiffs must provide an analysis that controls for party affiliation.”

Id. The Court pointed to the facts of *Gingles*, where plaintiffs demonstrated that “black and white voters had dramatically different voting patterns within the Democratic party” and other “intra-party racial-bloc voting” as an “example of how a §2 plaintiff can properly meet these preconditions.” *Id.*; see 52 U.S.C. § 10301(b). Finally, with respect to the Senate Factors, the Supreme Court ruled that Section 2 plaintiffs’ Senate Factor evidence must support “a plausible likelihood of intentional discrimination by the State.” *Callais* at *17.

In updating the *Gingles* framework, however, the Supreme Court repeatedly emphasized that it was “not overrul[ing] *Allen* [*v. Milligan*,]” *Callais* at *18, which affirmed the decision of a three-judge panel that Alabama’s 2021 congressional districting plan violated Section 2 of the Voting Rights Act. See 599 U.S. 1 (2023).

ARGUMENT

The evidence Plaintiffs elicited at trial readily satisfies the amended standard for establishing a violation of Section 2 after *Callais*.

I. PLAINTIFFS HAVE SATISFIED *GINGLES* I UNDER THE *CALLAIS* STANDARD.

The Supreme Court updated the standard for establishing the first *Gingles* precondition to clarify that Plaintiffs cannot use “a process that would be unconstitutional if a State engaged in such mapmaking,” meaning that an illustrative map must be one that a state could enact without running afoul of the Court’s racial gerrymandering jurisprudence. *Callais* at *15. The Supreme Court’s racial gerrymandering cases prohibit cartographers from “subordinat[ing] race-neutral districting criteria such as compactness, contiguity, and core preservation to racial considerations.” *Alexander v. S.C. State Conf. of the NAACP*, 602 U.S. 1, 7 (2024) (citation modified). The *Callais* Court did not alter, or purport to alter, its decades-long precedent establishing that “there is a difference between being aware of racial considerations and being motivated by them” and that

mere “race consciousness does not lead inevitably to impermissible race discrimination.” *Allen*, 599 U.S. at 30 (citation modified). The *Callais* decision simply clarified that, although not state actors, Plaintiffs must satisfy this same standard in adducing illustrative plans to establish a Section 2 violation. *Callais* at *7.

Race predominates only when “[r]ace was the criterion that, in the [cartographer’s] view, could not be compromised” in the drawing of district lines. *Shaw v. Hunt*, 517 U.S. 899, 907 (1996). The Court’s racial gerrymandering precedent, which it cited favorably in *Callais*, makes clear that a cartographer does not improperly use race where, as here, he “consider[s] the relevant racial data only *after* he had drawn” a challenged map and “generate[s] that data solely for a lawful purpose” of checking that the “maps he produced complied with [the Court’s] Voting Rights Act precedent.” *Alexander*, 602 U.S. at 22 (emphasis in original); *see also Callais* at *2 (citing *Alexander* with approval). The *Callais* decision also clarified that illustrative maps must meet all the State’s legitimate districting objectives, including traditional districting criteria and a jurisdiction’s specified political goals, but only to the extent those goals were actually advanced by a jurisdiction at the time of the line-drawing. *Callais* at *18; *cf. Bethune-Hill v. Va. State Bd. of Elections*, 580 U.S. 178, 179 (2017) (“The proper inquiry, however, concerns the actual considerations that provided the essential basis for the lines drawn, not *post hoc* justifications that the legislature could have used but did not.”).

First, Plaintiffs’ expert William Cooper made clear that he prioritized traditional districting criteria and did not move voters into districts because of their race, he simply checked the resulting racial demographics of the districts *after* he drew maps to determine he had created a majority-Black district. 2/17 Tr. at 191:13–18 (Cooper) (“Let me make clear that you can draw much stronger [BVAP] districts... I was trying to balance the traditional redistricting principles.”). He

was aware that the State had just drawn a majority-Black district around Horn Lake, but he did not use race as a criterion in drawing any of his illustrative maps. *See id.* at 188:81–14. Indeed, Mr. Cooper prioritized traditional districting criteria over everything else, testifying had he not been constrained by compactness requirements, he could easily have drawn a district with a much higher Black voting age population. 2/17 Tr. 191:3–7 (Cooper).

Second, Mr. Cooper’s illustrative plans readily satisfy “all the [County]’s legitimate districting objectives, including traditional districting criteria and [] specified political goals.” *Callais* at *15. Like *Milligan*, and unlike *Callais*, the County has not advanced a partisan objective to justify their map drawing. *See Singleton v. Merrill*, 582 F. Supp. 3d 924, 985, 994 (N.D. Ala. Jan. 24, 2022) (Defendants emphasized “the State’s traditional interests in avoiding contests between incumbents” but acknowledged that “one of the Cooper plans pairs no incumbents”), *aff’d*, *Allen*, 599 U.S. at 19–20; *see also Callais* at *18. The county’s cartographer, Mr. Watson, testified that he was not given any traditional districting principles to follow in drawing the 2022 plan. 2/26 Tr. 1592:17–23 (Watson). Instead, the first thing he did was ensure the county’s twenty-five elected officials were protected, and no two incumbents for the same office were paired together in any district. *Id.* at 1599:5–15. It is undisputed that Mr. Cooper’s Illustrative Plan 2 likewise does the same: his plan keeps each of the twenty-five incumbents in their five respective districts. 2/17 Tr. 192:3–19 (Cooper). The compactness measures of the districts in Illustrative Plan 2 are in the same range as the County’s Enacted Plan. PX-149 at 26 fig.16; 2/17 Tr. 170:14–172:6 (Cooper). Illustrative Plan 2 is also comparable to or outperforms the Enacted Plan on other traditional districting criteria. PX-149 at 26 fig.16. Plaintiffs had no obligation to consider any other goals or criteria because the County itself did not advance any. *See Callais* at *18.

II. PLAINTIFFS' RACIALLY POLARIZED VOTING EVIDENCE SATISFIES *GINGLES* II AND III UNDER THE *CALLAIS* STANDARD.

To satisfy the revised second and third preconditions under *Callais*, “plaintiffs must provide an analysis that controls for party affiliation.” *Callais* at *15. Thus, plaintiffs’ burden is to demonstrate that voters engage in racial bloc voting that cannot be explained by partisan affiliation. *Id.* This can be done, as the Supreme Court explained, by, among other things, showing “intra-party racial-bloc voting pattern[s]” which help to “demonstrate that the minority plaintiffs have ‘less opportunity’ than their majority counterparts because of race, not just because of partisan affiliation.” *Id.* Plaintiffs in *Allen* offered evidence of intra-party racially polarized voting that the three-judge panel of the district court credited, *Singleton v. Merrill*, 582 F. Supp. 3d at 968, and the Supreme Court affirmed, *Allen*, 599 U.S. at 22, in holding that Plaintiffs had likely met their burden with respect to the second and third *Gingles* preconditions. Here, Plaintiffs have demonstrated the existence of polarization that cannot be explained by party politics through strong evidence of racially polarized voting in non-partisan elections and in intra-party elections in the last ten years.

Dr. Grumbach’s analysis showed high levels of racial polarization even in non-partisan school board elections between 2016 and 2023. *See* PX-200 at 6. As other courts have concluded, evidence of racially polarized voting in non-partisan elections cuts sharply against a conclusion that party better explains polarization than race does. *See, e.g., White v. State Bd. of Election Comm’rs*, 795 F. Supp. 3d 794, 844 n.16 (N.D. Miss. 2025) (“[I]t cannot be ignored that racial polarization exists regardless of whether the race is partisan or not. This fact supports the Plaintiffs’ position.”). This finding demonstrates that even when taking away the partisan cue, racial polarization persists.

Moreover, Defendants’ expert Dr. Christopher Bonneau’s corrected analysis demonstrates

intra-party polarization. In an attempt to disentangle party from race, Dr. Bonneau compared the performance of White Democrats and Black Democrats from 2016 to 2024, *see* D-4913A ¶¶ 15–16, but his initial report contained several errors, *see* 2/27 Tr. 1752:11–1753:6 (Bonneau). The corrected analysis revealed that the one White Democrat who ran for a districted office, William Egner, did better than any Black candidate who has run. *Id.* at 1753:3–13, 1760:20–24. Egner ran for District 3 Supervisor and received 46.21% of the vote in his election, compared to an average vote share of 36.8% for Black Democrats. *Id.* at 1753:11–13; D-4913B (corrected Bonneau report). Egner’s was the only head-to-head election between a Democrat and a Republican for districted office that would be classified as competitive under political science standards, according to Dr. Bonneau’s definition. 2/27 Tr. 1763:3–6 (Bonneau).

The fact that White voters were much more willing to vote for a White Democrat and that only a White Democrat made an election competitive is evidence that race drives polarization. *Ala. State Conf. of the NAACP v. Allen*, 796 F. Supp. 3d 759, 861–65 (N.D. Ala. 2025). In fact, Egner outperformed Black candidates who ran in non-partisan elections. 2/27 Tr. 1761:6–11 (Bonneau). This includes Bacardi Harris, a Black candidate for School Board who ran for the same district (District 3) in the same year (2023) as Egner did when he ran for Supervisor. Bacardi Harris ran for District 3 Supervisor in 2019 against Ray Denison and received 32.27% of the vote, 14 percentage points less than Egner received when he ran against Denison in 2023. *Id.* at 1757:25–1758:23.

Factors other than race do not explain this difference. For example, in 2019, Harris and Denison competed for an open seat; in 2023, Denison was an incumbent. As Dr. Bonneau acknowledged, all else equal, one would expect Denison to do better as an incumbent. *Id.* at 1759:7–11. But Denison performed worse against a White Democrat as an incumbent than he did without the

incumbency advantage against a Black Democrat.

Thus, non-partisan and intra-party evidence of racial polarization presented by Plaintiffs at trial demonstrates that Plaintiffs “have ‘less opportunity’ than their majority counterparts because of race, not just because of partisan affiliation.” *Callais* at *16.

III. THE TOTALITY OF THE CIRCUMSTANCES EVIDENCE PLAINTIFFS PRESENTED AT TRIAL RAISES AN INFERENCE OF CURRENT INTENTIONAL DISCRIMINATION.

Under *Callais*, a Section 2 plaintiff’s totality-of-the-circumstances evidence must now raise “even a plausible likelihood of intentional discrimination by the State.” *Callais* at *17. The Court acknowledged that discrimination that occurred some time ago, as well as present-day disparities that are characterized as the ongoing “effects of societal discrimination,” are still relevant, albeit entitled to less weight. *Id.* at *16. More relevant are “current conditions” that “c[o]me close to showing an objective likelihood that the [] challenged map was the result of intentional racial discrimination.” *Id.* at *18.

The evidence here contains substantial indicia of intentional discrimination in the enactment of the County’s 2022 districting plan (“Enacted Plan”), and Plaintiffs’ evidence provides “more than a remote bearing” on “present-day intentional racial discrimination regarding voting.” *Callais* at *16; see Plaintiffs’ Proposed Findings of Fact and Conclusions of Law with updated citations, dated March 20, 2026 ¶¶ 92–143 [hereinafter “PFOF/COL”].

A. Evidence of Intentional Discrimination in the Passage of the Enacted Plan

The Fifth Circuit has held that the legal standard for exploring whether legislation impacting voting was enacted with discriminatory intent is set out in *Village of Arlington Heights v. Metropolitan Housing Development Corp. Veasey v. Abbott*, 830 F.3d 216, 230 (5th Cir. 2016) (en banc); see *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265–68 (1977). The non-exhaustive list of factors a district court considers include the (1) “historical background of

the decision,” (2) “specific sequence of events leading up to the challenged decision,” (3) “departures from the normal procedural sequence,” (4) “substantive departures,” and (5) “contemporary statements by members of the decision-making body.” *Id.* Here, each factor is present, which gives rise to the strong inference that the County engaged in intentional racial discrimination in passing the Enacted Plan.

i. Sequence of Events

The 2020 Census reflected that DeSoto County’s Black population had increased from less than 12% to over 36%, while the White population had decreased. *See* PX-002 (consolidating all 2020 Census numbers from the original table); 2/17 Tr. at 119:24–120:8 (Cooper). Although following the 2010 U.S. Census there were public meetings held after business hours in each of Desoto County’s five municipalities because “it was clearly beneficial from a [Section 5] preclearance standpoint . . . to demonstrate the extent to which the public had the opportunity to participate in the line drawing process,” 2/26 Tr. 1592:5–10 (Watson); PX-3, PX-15, the Supervisors decided that no such process was necessary in 2022, 2/26 Tr. 1598:24–1599:3 (Watson);. That is even though they employed the preclearance retrogression standard as a pretext to maintain the same ratios of Black populations between the districts. *Id.* at 1619:21–1620:7.

Mr. Watson, the County’s chosen cartographer, was not given any redistricting criteria that he had to adhere to in drawing new proposed redistricting plans for the County. *Id.* at 1592:17–23. After obtaining incumbent addresses, Mr. Watson’s first goal was to ensure that the county’s 25 elected officials were kept within the five districts, five in each district. *Id.* at 1599:5–15. He shared his first proposed districting plan with the Supervisors on March 21, 2022. *Id.* at 1564:9–1565:2.

Instead of holding a public hearing to solicit broader input as in previous cycles, on March 28, 2022, Mr. Watson met individually with a group of predominantly-Black residents to discuss their concerns about redistricting and repeated requests to participate in the County’s redistricting

process. PX-8; D-3147. No Supervisors or other elected officials attended the meeting. PX-8 at 1; 2/23 Tr. 960:14–961:5 (Wofford). Several attendees at the meeting explained that Mr. Watson’s demeanor and presentation made clear to them that he was not going to respond to their concerns. *See, e.g.*, 2/18 Tr. 277:2–6 (Todd). And he in fact did not. Although Mr. Watson acknowledged that “the main thing that came out of that meeting was th[at] [the group] wanted more minority representation,” 2/26 Tr. 1567:14–15 (Watson), and even though he testified he created a plan with “a district that got [a Black population in one district] into the high 40s,” *id.* at 1563:13–14, he never presented such a plan to the public or the Supervisors, *id.* at 1618:18–21.

On Monday, June 6, 2022, at 8:00 am, the County held the single public hearing where the public could review and comment on proposed maps. *Id.* at 1576:21–25; PX-14. Making the process even less transparent, the meeting was held during business hours when many members of the public were at work—a departure from past practice. Thus, the only public hearing occurred at a time when most people were unavailable, *after* Mr. Watson drew the proposed plans the Board intended to vote on, and included not a single plan incorporating any of the recommendations or requests of the predominately Black citizens group. 2/26 Tr. 1601:9–16 (Watson). Even though Mr. Watson made changes to the County’s proposed redistricting plans up until the moment the Enacted Plan was passed on June 6, *id.* at 1612:8–15, those changes never included increasing the Black population of District 3 to increase minority representation or influence. *id.* at 1613:3–11.

ii. Procedural and Substantive Departures

In addition to departures from previous public input processes, the Supervisors intentionally sought to evade public oversight of the redistricting process in violation of the Mississippi Open Meetings Act (“OMA”).

The Mississippi Supreme Court has held that public bodies may not hold sub-quorum meetings to circumvent the requirements of the OMA. *Mayor & City Council & City of Columbus v. Com.*

Dispatch, 234 So. 3d 1236, 1241 (Miss. 2017). In *City of Columbus*, officials held four pairs of sub-quorum gatherings that were “prearranged, nonsocial, and on the topic of public business, [which] illustrated the City’s intent to circumvent or avoid the requirements of the Act.” *Id.* at 1237. In reaching its holding that these meetings were undertaken with the express intent to circumvent the OMA, the Supreme Court determined that the gatherings were “preplanned,” “attendees invited purposely constituted less than a quorum,” the “gatherings were for the express goal of discussing City business” and in fact “City business was conducted and policy formulated at the gatherings.” *Id.* at 1241. Mississippi law also dictates that online gatherings or correspondence to conduct official acts, such as polls taken over telephone, between less than a quorum of members of a public body “circumvent the [OMA] by preventing public disclosure of deliberation and conduct of business.” *Bd. of Trs. of State Insts. of Higher Learning v. Miss. Publishers Corp.*, 478 So. 2d 269, 278 (Miss. 1985).

Members of the DeSoto County Board of Supervisors operated in exactly the way the Mississippi Supreme Court found improper in *City of Columbus*. They intentionally met with Mr. Watson individually or in pairs. *See* 2/23 Tr. 1029:7–19 (Caldwell by deposition); 2/25 Tr. 1495:8–1496:2, 1497:11–14 (Gardner by deposition); 3/3 Tr. 2196:19–2197:3 (Caldwell); 2/26 Tr. 1600:19–24 (Watson). Mr. Watson himself testified both that he was aware when he was drawing DeSoto County redistricting plans that it was best for him not to meet with three supervisors at the same time because he “underst[ood] the Open Meetings Act [applied to] . . . a meeting of three [in] a body of five [because it] is a quorum.” 2/26 Tr. 1600:19–24 (Watson). Supervisor Denison also admitted the Board met with Mr. Watson in groups of no larger than two, specifically to avoid state law requirements that require Supervisor meetings to be public. 3/2 Tr. 1959:25–1960:8 (Denison). This acknowledged and open attempt to avoid meeting in public about proposed changes to

districting plans violated the OMA and amounts to a very serious departure from ordinary procedures and practices.

iii. Direct Evidence that the County Sought and the Cartographer Used Unconstitutional Racial Targets

The Supreme Court has held that “expressly adopt[ing] and appl[y]ing a policy of prioritizing mechanical racial targets,” offers “evidence that race motivated the drawing of particular lines.” *Ala. Legis. Black Caucus v. Alabama*, 575 U.S. 254, 256, 265 (2015) (“*ALBC*”) (distinguishing statements by key legislators and cartographer that they sought to equalize population “without significantly lowering the percentage of the population in each district” to comply with Section 5 of the VRA as strong evidence of unconstitutional racial motivation) (citation modified); *see also Cooper v. Harris*, 581 U.S. 285, 300–01 (2017) (noting that the district court “could hardly have concluded anything but” racial predominance in the face of “an announced racial target”); *cf. Bethune-Hill*, 580 U.S. at 191 (“[T]here may be cases where challengers will be able to establish racial predominance . . . by presenting direct evidence of the legislative purpose”).

Mr. Watson testified that in his correspondence with the Supervisors, he repeatedly referred to the racial change in Black population or racial makeup of the Black population in various iterations of his plans to avoid what he deemed to be “retrogression”: lowering the percent of Black voters in any district from the benchmark 2010 plan. 2/26 Tr. 1569:19–1571:22 (Watson). For example, he wrote the following to Supervisor Ray Denison regarding one of these plans: “Attached you will find the plan that Supervisor Gardner requested – that which more closely equalizes the racial change across all five districts.” PX-10. Mr. Watson stated that even though Section 5 of the VRA no longer applied to redistricting in DeSoto County, he utilized the retrogression concept which he understood to require that he maintain the exact same minority proportion in each district—meaning that every district was intentionally drawn to maintain a small Black minority.

2/26 Tr. 1619:21–1620:7 (Watson); PX-70 (describing Alternate Plan 3 as designed “to produce an approximate equal change in racial composition across all five districts, or stated another way, to hold each district relatively constant in terms of its racial makeup”). Mr. Watson kept the Supervisors constantly abreast of the racial implications of each of his proposed plans. And each plan proposed was intended to maintain a majority-White voting age population in each of the five districts. *See* PX-68 at DEF-08716; PX-72 at DEF-09852; PX-73 at DEF-09847; PX-74 at DEF-09849; PX-75 at DEF-09172; PX-77 at DEF-09205; PX-78 at DEF-09188; PX-79 at DEF-09216; *see also* 2/26 Tr. at 1620:4–7, 1621:2–8 (Watson) (discussing maintaining Black population of districts). But the Supreme Court has made clear that Mr. Watson and the Supervisor’s statements are direct evidence of using an impermissible racial classification. *See ALBC*, 575 U.S. at 265–67, 275.

iv. The Disparate Impact of the Decision Was Known

The natural and foreseeable consequence of seeking, as the Supervisors and their cartographer did, to hold each district relatively constant in terms of its racial makeup was to ensure that no Black candidate or candidate of choice could win election in any district, as had been the case for decades. Although Mr. Watson testified that he in fact created a plan with “a district that got into the high 40s,” 2/26 Tr. 1563:13–14 (Watson), he *never* presented such a plan to the public or the Supervisors for their consideration. *See id.* at 1618:18–21. He testified that he did not share the plan he created which increased the Black voting age population in District 3 with Supervisors or the public because he understood that “the goal [was to] not create a minority district.” *Id.* at 1613:3–8. Mr. Watson also testified that he understood that you can enhance minority voting strength by increasing the minority proportion of a district without creating a majority-minority district. *See id.* at 1618:18–1619:9.

B. Evidence of Present-Day Discrimination in Appointments and Hiring

The Supreme Court has identified racially disparate appointments and hiring practices as evidence of intentional discrimination. *See Rogers v. Lodge*, 458 U.S. 613, 625 (1982) (approving district court finding of intentional discrimination that included evidence regarding county’s failure to hire Black employees). This Circuit concluded in that same case that “appointing extremely few Blacks to the numerous boards and committees that oversee the execution of the county government... can only be explained as a conscious and willful effort on their part to maintain the invidious vestiges of discrimination.” *Lodge v. Buxton*, 639 F.2d 1358, 1376–77 (5th Cir. Unit B 1981). The same is true here.

In DeSoto County today, no Black person has ever been elected to the DeSoto County Board of Supervisors. *See* PFOF/COL ¶ 11. Supervisor Jessie Medlin admitted that in his thirty-three years as a Supervisor, he has appointed only a single Black person to a County board. 2/25 Tr. 1479:22–1480:6 (Medlin by deposition). Currently, just one Black member sits on the fifteen-member, Supervisor-appointed, County Planning Commission, and the Board of Adjustment, whose members are also named by the Supervisors, has no Black members. *See* PX-142 at 7. Only 13.4% of the County government workforce is Black, PFOF/COL ¶ 261, even though more than 36% of the County’s population identifies as such, PX-149 at 10 fig.1.

This is despite efforts by well-regarded members of the Black community to serve on a County Board. For example, Plaintiffs’ witness James Woodard reached out to Supervisor Gardner, described his experience as a Supervisor in Webster County and said he was interested in serving on one or more of the committees to which the Supervisors made appointments. 2/25 Tr. 1365:10–1366:3 (Woodard). Supervisor Gardner never followed up. *Id.*

Mr. Woodard also testified that in his repeated visits to County offices—the board of supervisors’ office, the tax assessor’s office, the new Justice Court building—he did not see any

Black employees. *Id.* at 1360:21–1362:6, 1373:4–21. Similarly, Dr. Leslie Burl McLemore testified that in his visits in late 2025 and early 2026 to the County buildings on Losher Street, to the circuit clerk’s office, and to the justice court, he saw only White employees. 2/23 Tr. 932:3–22 (McLemore). Peggy Dobbins testified that she goes regularly to the offices of the Board of Supervisors, the Election Commission, the Board of Education, the Chancery Court, the Circuit Court, and the Tax Assessor’s Office, and sees no Black employees. 2/18 Tr. 349:19–350:5 (Dobbins) (County offices “look the same” as they did in the 1970s.).

Vanessa Lynchard testified that she had worked in County government for thirty years, and in that time there has been a single Black department head in the thirteen departments of County government. 2/25 Tr. 1295:17–1298:6 (Lynchard). The Board of Supervisors interviews and appoints the department heads. *Id.* at 1298:21–1299:10.

Moreover, DeSoto County is one of eleven counties in Mississippi without a Black supervisor. PX-212 at 49 tbl.5 (King Rep.); 2/24 Tr. 1116:1–3 (King). Those eleven counties have, on average, a Black population percentage of 15.32%—less than half of DeSoto County’s Black population percentage. PX-212 at 49 tbl.5 (King Rep.). DeSoto County’s Black population percentage is also higher than the average Black population percentage of the twenty-seven counties with one Black supervisor. *See id.* Each of the five members of the DeSoto County Election Commission, Board of Education, Justice Court, and Constables are also White. PFOF/COL ¶¶ 15, 18, 20, 22.

C. Evidence of Present-Day Voting Barriers that Deter Black Voters at the Polls and from Elected Office

Failure to appoint Black poll workers is relevant evidence of intentional racial discrimination. *See United States v. Marengo Cnty. Comm’n*, 731 F.2d 1546, 1569–70 (11th Cir. 1984) (“By having few black poll officials . . . county officials impaired black access to the political system and the confidence of blacks in the system’s openness.” (citing *United States v. Palmer*, 356 F.2d 951, 952

(5th Cir. 1966)). The selection and placement of polling places also affects Black voters' ability to vote and may indicate a racially discriminatory purpose. *Perkins v. Matthews*, 400 U.S. 379, 387–88 (1971). In DeSoto County, despite active efforts and outreach by the Black community to serve as poll workers and locate polling places in compliant facilities located in the Black community, the County has intentionally erected barriers and otherwise refused. *See* 2/17 Tr. 66:9–23 (Harris).

DeSoto County currently has forty-seven polling locations. 2/24 Tr. 1235:25–1236:21 (Ferguson by deposition). Of the forty-seven, a mere three are in Black churches, while twenty-five are in White churches. *Id.* at 1252:16–18, 1253:12–21. The Election Commission designates the locations for polling places, and the Board of Supervisors approves them. *Id.* at 1225:16–21. Election Commissioner Sissie Ferguson testified that, in searching for new polling places, she did not speak to anyone at predominantly-Black churches. *Id.* at 1250:3–8.

Sen. Theresa Isom testified that, in a discussion with Election Commissioner Chad Engelke, she noted “that there were only two Black churches in DeSoto County that were polling places, and that more Black people would come out if they had them in some locations that they were comfortable with.” 2/23 Tr. 879:4–13 (Isom). Commissioner Engelke responded by telling Isom “he was not going to, you know, change a location for a poll,” and that she should go out and look for other churches herself. *Id.* at 880:1–4. Sen. Isom volunteered Brown Baptist as an option: a Black church whose leadership wanted to offer its use as a polling place, with a large congregation, ADA-compliant facilities, and ample parking. *Id.* at 880:9–882:1. But Commissioner Engelke said that he was not going to move a polling place so that Brown Baptist could become one. *Id.* at 882:8–9. After that discussion, the polling place near Brown Baptist was moved, but not to Brown Baptist. Rather, the polling place moved from Gracewood, a predominantly White church, to Pathway Church, another predominantly White church. *Id.* at 882:20–883:12; 2/24 Tr. 1242:12–

23 (Ferguson by deposition).

The Election Commission's active avoidance of Black churches as polling places was not limited to Brown Baptist. Commissioner Ferguson testified that Sen. Isom provided a list of Black churches to Commissioner Engelke; he drove by the churches but did not go inside. *Id.* at 1250:10–1251:21. When Commissioner Ferguson chose Summit Church, a predominantly White church, to be the polling place for a new precinct added after redistricting, Black churches were proposed to her. When she testified, she could not remember their names: she drove by them, but did not go inside, nor did she speak with anyone responsible for the churches. *Id.* at 1256:1–1257:3.

When Plaintiff Harris became chair of the Democratic Party in 2016, many Black citizens “felt intimidated when going to vote” because there were no Black people working the polls. He undertook to recruit Black poll workers. 2/17 Tr. 66:9–23 (Harris). The party recruited approximately 80 Black poll workers, but although the Election Commissioners are responsible for training poll workers, they did not train Mr. Harris's volunteers. These volunteers were working people, and the commissioners would not accommodate Mr. Harris's request for training sessions outside working hours. Instead, they were “inflexible about providing alternative times and dates.” *Id.* at 67:12–68:24; 2/20 Tr. 825:9–15 (Kerr).

This inflexibility was limited to Black volunteers. Shulandra Kerr testified that she was at the Election Commission office when a White prospective election worker requested alternative training times, and Election Commissioner Sissie Ferguson responded, “you can come during the day and I'll make sure that you get trained.” Ms. Kerr asked whether her poll workers “could attend at the same time that this particular lady that you are going to train, can they attend as well?” Commissioner Ferguson refused. 2/20 Tr. 825:16–826:20 (Kerr). Ms. Kerr was unable to field sufficient poll workers to staff the Democratic primaries in 2017 because she could not get the

Commissioners to train them. Republican poll workers filled the empty slots. *Id.* at 826:21–827:1.

Mr. Harris, the party chair, delegated Ms. Kerr and another person to attend the Secretary of State’s certification training in March, 2018 in Indianola, a two-hour drive from DeSoto. *Id.* at 827:8–16; *see also* 2/17 Tr. 67:12–68:24 (Harris). After Ms. Kerr was certified to train poll workers, the Election Commissioners refused to provide enough copies of the written materials distributed to each trainee. Ms. Kerr printed the materials at her own expense. The Commissioners also declined her repeated requests to borrow electronic election equipment needed to provide hands-on training. That equipment was finally provided after Mr. Harris intervened. 2/20 Tr. 827:23–830:12 (Kerr). Thereafter, the Black poll workers Ms. Kerr recruited worked the Democratic primaries, but the Election Commissioners insisted on their prerogative to select the poll workers for general elections, and fewer Black than White poll workers were chosen. *Id.* at 832:16–834:15.

D. Evidence That Elections in DeSoto County Are Currently Marred by Acts of White Prejudice Against Black Candidates

Pervasive private discrimination is relevant to the totality of the circumstances analysis “because such discrimination can contribute to the inability of [minorities] to assert their political influence and to participate equally in public life.” *Veasey*, 830 F.3d at 278 (Higginson, J., concurring) (quoting *Marengo Cnty. Comm’n*, 731 F.2d at 1567 n.36 (Wisdom, J.)); *Solomon v. Liberty County*, 899 F.2d 1012, 1032 (11th Cir. 1990) (en banc) (Tjoflat, J., concurring) (“Congress ... revised section 2 to prohibit election practices that accommodate or amplify the effect that private discrimination has in the voting process.” (quoting David L. Eades, *Section 2 of the Voting Rights Act: An Approach to the Results Test*, 39 Vand. L. Rev. 139, 172 (1986))).

The record is replete with examples of recent, DeSoto County-specific examples of race-driven harassment and intimidation of Black candidates. *See* PFOF/COL ¶¶ 201–08. For example, Pastor

Brenda Anderson described being called racial slurs while campaigning for alderman in Southaven: it often happened in White areas that residents “would call us niggers, monkeys, cuss us out and tell us . . . ‘get our Black “A” out of the area’ They would, I guess, call their neighbors because, once we started going down certain streets, everybody was coming out either standing in their front door or standing in the garage or somewhere visible that we could see them. And they would be calling us niggers, Black monkeys. ‘Why don’t you get your F’ing off of our street,’ things like that.” 2/19 Tr. 440:18–442:7 (Anderson). Throughout her entire campaign, Pastor Anderson repeatedly cleaned garbage from her church “because [people] would throw garbage in front of the church.” *Id.* at 445:4–6. Once the election ended, the garbage stopped. *Id.* at 445:7–12. On the church’s security cameras, Pastor Anderson could see the white hands of the people who threw the garbage at her church. *Id.* at 460:12–17. She reported the garbage incidents to Supervisor Denison, whose only response was, “Well, kids come by and they do things.” *Id.* at 460:21–461:7.

At her deposition, Election Commissioner Ferguson was shown a photo of a person in a DeSoto County voting precinct wearing a shirt showing a noose, the words “Mississippi Justice,” and a Confederate flag. Ms. Ferguson agreed that this shirt could symbolize the lynching of Black people in Mississippi, but averred that it would not be reasonable for a Black voter to find this threatening and that it would be their “choice” to “find or read anything into that.” 2/24 Tr. 1206:8–1213:21 (Ferguson by deposition); PX-291.

Shulandra Kerr testified that, when she was a Democratic Party official in DeSoto County, she observed businesses being negatively impacted and even forced to file bankruptcy after publicly supporting Black candidates. 2/20 Tr. 841:5–9 (Kerr).

Sen. Theresa Isom testified that Diane Black, a Black woman who lives in Olive Branch, ran

for Senate in District 19 in 2025 when Sen. Isom was running in the neighboring district. Ms. Black was the subject of a Facebook comment that read, “Put a rope around her neck, snatch her up in a tree, and leave her there.” PX-27; 2/23 Tr. 868:16–870:16 (Isom).

Plaintiff Harold Harris testified that he ran for state representative in District 25, where he lived, because the White incumbent, Gene Alday, said his constituents were all on welfare, didn’t work, “and when he was in the hospital, trying to get treated... that all of ‘them’ [meaning Black people] . . . were in the hospital with gunshot wounds from fights and stuff.” 2/17 Tr. 65:5–66:5 (Harris).

Mayor Jimmy Stokes described trying to campaign in neighborhoods where White people would come out with guns and run him off their street. He was repeatedly called the “‘N’ Word.” 2/20 Tr. 760:24–761:20 (Stokes). In 2025, the night after he was elected, he was filling his car with gas, when “a white truck with multiple White -- young White men [] in it, rode by and called [him] the ‘N’ word right there in front of everybody.” *Id.* at 767:9–19. When Lovie West was conducting non-partisan voter registration at the Olive Branch library, one of the library patrons called her the “‘N’ word.” 2/19 Tr. 499:10–22 (West). Equally troubling, canvassers for Black candidates in DeSoto County “had dogs sicced on them.” 2/20 Tr. 838:10–12 (Kerr).

E. Evidence of Intentional Discrimination in the Unresponsiveness of DeSoto County Government to the Areas of DeSoto County Where Black People Reside

The Fifth Circuit has cited disinvestment from Black communities but not White ones as evidence of intentional racial discrimination. *Clark v. Calhoun Cnty., Miss.*, 88 F.3d 1393, 1401 (5th Cir. 1996). This Circuit also found that a county government’s treatment of paved roads on which White residents lived but not roads on which Black residents lived was a “patent example[] of discriminatory treatment . . . received by Blacks . . . with the White controlled bureaucracy.” *Buxton*, 639 F.2d at 1377 n.37.

Plaintiff Harold Harris testified that schools in the western, predominantly Black part of the county are less well-maintained than schools to the east, where more White children attend. 2/17 Tr. 61:9–62:24 (Harris). Similarly, Lovie West testified the County has built brand new schools in predominantly White areas, but not in Horn Lake. 2/19 Tr. 488:2–17, 489:22–24, 490:22–491:1 (West). The County does not equally distribute its resources, leading Plaintiffs’ witnesses to believe elected officials “do not value the schools in Horn Lake and Walls the same way they value schools in other parts of DeSoto County.” *Id.* at 490:3–9.

The funding differential goes far beyond schools. Jimmy Stokes, the newly-elected mayor of Horn Lake, testified that the eastern parts of DeSoto County have better streets and better infrastructure than Horn Lake. His city is one of the largest majority African-American cities in the state, but has not “been given the same attention as other cities when it comes to economic growth and also infrastructure and also industry and retail.” 2/20 Tr. 745:16–746:12 (Stokes). County Administrator Vanessa Lynchard conceded in her testimony that the County has no programs to provide economic development incentives to minority neighborhoods. 2/25 Tr. 1312:24–1313:11 (Lynchard by 30(b)(b) deposition). In his testimony, Dr. Leslie Burl McLemore noted that Walls lacks a community center, and the County provides no support for the Walls Festival, held annually in September. 2/23 Tr. 931:17–932:2 (McLemore).

County budgets reveal the County’s underinvestment in its north and west, compared to the majority-White areas of its south and east. Between 2004 and March 2025, the County allocated \$5,383,208.01 to the Town of Walls and West/Northwest DeSoto; and \$2,178,332.85 to Horn Lake and West/Northwest DeSoto. In the same period, the County allocated \$15,117,880.26 to Hernando and West/Southwest DeSoto; \$19,163,090.57 to Olive Branch and East/Northeast/Southeast DeSoto; and \$43,930,038.20 to Hernando/Southaven and Central North & South DeSoto. *See* PX-

46. Thus, County government allocated \$78,221,009 to the County's majority-White areas, and less than one-tenth that amount, \$7,561,541 to its majority-Black areas. Put another way, Black people now represent 36% of the County's population, but the County has invested just 8.8% of its allocations to localities in the areas where they live.

When Mississippi resisted school integration in the wake of *Brown v. Board of Education*, DeSoto County was no exception. DeSoto County schools did not formally integrate until 1970, 16 years after the *Brown* decision. See PFOF/COL ¶ 143; PX-212 at 17–18. The County had previously actively avoided integration under a “freedom of choice plan.” PX-212 at 17. DeSoto County voters, including one of the Plaintiffs, felt the effects of school segregation during their formative years. 2/18 Tr. 382:4–13 (Tipton). The racism in schools even after formal desegregation often became violent. *Id.* at 383:24–384:8.

Plaintiffs have presented un rebutted recent evidence of significant racial disparities in academic achievement and discipline in DeSoto County schools. See PFOF/COL ¶¶ 164–171 (citing recent evidence of disparities in graduation rates, college and career readiness, gifted and talented participation, standardized test scores, and disciplinary actions). Schools in DeSoto remain racially identifiable to this day, PFOF/COL ¶ 165, and the County has prioritized predominantly White schools for maintenance and upkeep. See 2/17 Tr. 61:9–62:24 (Harris); 2/19 Tr. 488:2–491:1 (West).

For example, differential property tax income does not explain the significantly worse quality of buildings and infrastructure in majority-Black schools. See PFOF/COL ¶ 173 (discussing unequal allocation of resources). Rather, the lack of funding available for majority Black public schools is largely driven by Mississippi's continuous funding of hyper-segregated private schools that cater almost entirely to White students. PX-212 at 32–33. This is a conscious decision by the

Mississippi state legislature, not a relic of past discrimination.

Similarly, disciplinary outcomes cannot be attributed solely to prior discrimination against Black residents. In DeSoto County Schools, Black students are overrepresented when it comes to in-school suspensions, out-of-school suspensions, and referral to law enforcement. PFOF/COL ¶ 171. But the decision to place police officers in schools was made by the Board of Supervisors, *id.* ¶ 172, a government body comprised entirely of White representatives. And the policy remains, despite groups including the NAACP alleging that school resource officers discriminate against Black students in DeSoto Schools. *Id.* Of note, the Board is no stranger to allegations of racial discrimination: in 2025, former Executive Director of the Landers Center Todd Mastry sued the Board for allegedly firing him after he continued booking “Black acts,” such as Lil Wayne and other rappers. PX-212 at 40.

Moreover, individual decisions by the DeSoto County school board and teachers likely contribute to disparate discipline. DeSoto County schools employ far fewer school counselors and psychologists than recommended by professional groups: employed at appropriate levels, these counselors could serve to reduce allegedly harmful student behavior. *Id.* at 38. Despite making up just over a third of the student population, Black students receive over 60% of the corporal punishment, and constitute three quarters of all school discipline referred to law enforcement. *Id.* at 37 t.3. Research from the U.S. Department of Education suggests that disciplinary gaps stem largely from teachers’ inadvertent bias in assuming harmful behavior from Black students. *Id.* at 37. Yet school board agendas from March 2024 to February 2025 show no mention of discipline, indicating the issue of discipline—critical to Black students—is not considered a priority for them. *Id.* at 39. The Board’s intentional avoidance of a serious issue affecting mainly Black students in the district suggests current, ongoing discrimination.

F. Current Data Demonstrating the Current Effects of Intentional Racial Discrimination in DeSoto County

Mississippi laws enacted with racially discriminatory intent continue to deny Black voters an equal opportunity to participate in the political process today. For example, Mississippi's felony disenfranchisement laws were enacted "to obstruct the exercise of the franchise by the negro race" by targeting "the offenses to which its weaker members were prone." *Ratliff v. Beale*, 20 So. 865, 868 (Miss. 1896). Mississippi does not allow for automatic restoration of voting rights for individuals, even after full completion of their prison, parole, or probation sentences. PX-212 at 9. Instead, to regain the right to vote, a previously incarcerated person must obtain either (1) an executive pardon or (2) a favorable vote of two-thirds of the State Legislature. *Id.* at 9–10. Fewer than 200 individuals have had their voting rights restored by executive pardon in more than 130 years. *Id.* at 10.

Disenfranchisement laws continue to deny Black voters access to the franchise today: as of 2024, 63.6% of the state's disenfranchised adults are Black. *Id.* at 9. More broadly, felony disenfranchisement laws have been shown to reduce the probability of voting for Black, but not White, voters. *Id.* at 26; PFOF/COL ¶ 190. These laws are not relics of a bygone era, but have been recently reinforced by the Mississippi government. In 2022, Governor Tate Reeves vetoed a bipartisan bill to restore voting rights to a small group of individuals whose crimes had been expunged. PX-212 at 26. Despite the fact that felony disenfranchisement laws originated to "obstruct the exercise of the [voting] franchise by the negro race," Governor Reeves praised the laws as "an animating principal of the social contract at the heart of every great republic[.]" *Id.* Such refusal to reconsider intentionally discriminatory laws suggests the legislature's motivation has not changed. If anything, Governor Reeves's statement indicates that the state of Mississippi currently views denying the franchise to Black residents to be a core principle of government.

Voting practices and procedures in DeSoto County enhance the opportunity for discrimination against Black voters. Plaintiffs have presented un rebutted evidence that Mississippi provides no same-day registration, permits absentee voting on narrow grounds that often require in-person visits to government offices, does not offer no-excuse early voting, and guarantees no time off to vote. PFOF/COL ¶ 372. In the Cost of Voting Index, Mississippi ranks at the very bottom of all states in terms of ease of access to the polls. PX-212 at 21. As Defendant’s own expert acknowledged, these types of restrictions disproportionately harm Black residents today. PFOF/COL ¶¶ 158, 372.

These restrictive voting rules support an inference of intentional discrimination because, as Dr. King explained, the surrounding circumstances indicate that these “efforts to reduce access are intentionally targeted to reduce turnout of minority voters in general and Black voters in particular.” PX-212 at 22. Indeed, higher minority turnout in prior elections and higher Black populations are predictive of restrictive voting legislation, indicating an intentional effort to target Black voters. *See id.* In Mississippi specifically, the legislature recently killed an effort to create early voting before even holding a committee vote, even though early voting is popular among Black voters nationwide. *Id.* at 21. And in DeSoto County, information about local elections is woefully lacking: as of April 18, 2025, the County’s official website and Facebook page provided no information about an April 22, 2025 runoff election. *Id.* at 23–24. Taken together, these facts suggest legislators have “intentionally designed a system almost guaranteed to produce lower political participation” by Black residents. *Id.* at 22.

In sum, Plaintiffs adduced germane “current data” and “current political conditions” at trial that indicate current intentional racial discrimination. *Callais* at *16 (citations omitted); *Vill. of Arlington Heights*, 429 U.S. at 266.

For the foregoing reasons, the evidence presented at trial demonstrates Defendants violated Section 2 of the Voting Rights Act as clarified by *Louisiana v. Callais*. Accordingly, Plaintiffs are entitled to declaratory and injunctive relief.

Respectfully submitted this 13th day of May, 2026.

/s/ Joshua Tom

Joshua Tom (Miss. Bar No. 105392)
ACLU OF MISSISSIPPI
101 South Congress Street
Jackson, MS 39201
Telephone: (601) 354-3408
jtom@aclu-ms.org

Ruth Greenwood*
ELECTION LAW CLINIC
HARVARD LAW SCHOOL
6 Everett Street, Ste. 4105
Cambridge, MA 02138
(617) 496-0222
rgreenwood@law.harvard.edu

Amir Badat (Miss. Bar No. 106599)
BADAT LEGAL PLLC
P.O. Box 15
Tougaloo, MS 39174
Phone: (601) 462-9592
amir.badat@gmail.com

/s/ Kathryn C. Sadasivan

Kathryn Sadasivan*
Brenda Wright*
Victor Genecin*
Breanna Williams*
NAACP LEGAL DEFENSE AND
EDUCATIONAL FUND, INC.
40 Rector Street, 5th Floor
New York, NY 10006
Telephone: (212) 965-2200
Facsimile: (212) 226-7592
ksadasivan@naacpldf.org
bwright@naacpldf.org
vgenecin@naacpldf.org
bwilliams@naacpldf.org

Victor Jones*
Pilar Whitaker*
NAACP LEGAL DEFENSE AND
EDUCATIONAL FUND, INC.
700 14th Street NW, Suite 600
Washington, DC 20005
Telephone: (202) 682-1300
Facsimile: (202) 682-1312
vjones@naacpldf.org
pwhitaker@naacpldf.org

Attorneys for Plaintiffs

**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I, Kathryn C. Sadasivan, do certify that on this day I filed the foregoing with the ECF System which sent notification to all counsel of record.

This 13th day of May, 2026.

/s/ Kathryn C. Sadasivan
Kathryn C. Sadasivan

RETRIEVED FROM DEMOCRACYDOCKET.COM