

BEIRNE, MAYNARD & PARSONS, L.L.P.

601 POYDRAS STREET

SUITE 2200

NEW ORLEANS, LOUISIANA 70130-6097

(504) 586-1241

L. EADES HOGUE, PARTNER
MISSISSIPPI BAR NO. 2498

FAX (504) 584-9142

DIRECT DIAL 504-584-9431
EMAIL: EHOGUE@BMPLLP.COM

July 10, 2014

The Honorable Judge Henry T. Wingate
United States District Court
Southern District of Mississippi, Jackson Division
501 East Court Street, Suite 6.750
Jackson, MS 39201

Re: Case No. 3:14-cv-00532-HTW-LRA; *True the Vote, et al v. The Honorable Delbert Hosemann*; In the United States District Court, Southern District of Mississippi, Jackson Division.

To the Honorable Judge Wingate:

On July 9, 2014, Plaintiffs filed a Motion for Temporary Restraining Order, requesting that the Court issue an immediate Order to all Defendants requiring them to preserve certain voting records and make such records available for public inspection, copying and review. We provided copies of the motion to Mr. Nosef, counsel for the Mississippi Republican Party, the Honorable Delbert Hosemann and each circuit clerk of the county election commissions named as defendants in the suit. We note the Court has scheduled a teleconference on the above referenced matter for 9:00 am on Friday, July 11, 2014, and we appreciate the Court's attention to this case.

Plaintiffs provide this letter as an update to the Court in anticipation of the teleconference. Since the filing of Plaintiffs' pleadings, Mississippi residents have come forward complaining that members of the Republican Party conducting the 2014 Senate Primary Run-Off have directed election volunteers to throw away the voting records. For example, Phillip Harding, a United States Air Force veteran and now Republican Party volunteer in retirement, witnessed the disposal of absentee ballot applications and envelopes at the direction of executive committee members. *See Exhibit 1, Verification of Phillip Harding in Support of Motion for Temporary Restraining Order.*

Further, on Wednesday, July 9, 2014, Mr. Hosemann issued a statement directing Mississippi circuit clerks to continue to redact dates of birth from voter records in accordance with Mississippi State law, although such information is not protected from public disclosure under the NVRA. *See Project Vote/Voting for America, Inc. v. Long*, 889 F.Supp.2d 778 (E.D.

Va. 2012) (Disclosure of voter registration applicants' address, signature, and birth date was required under plain meaning of National Voter Registration Act's (NVRA) disclosure requirement, and thus, that information could not be redacted prior to disclosure).

Federal and Mississippi law require voting records to be preserved and made available for public inspection. Once records are destroyed, they cannot be reviewed by the public for accuracy and compliance with applicable voting laws. The destruction of voting records may, therefore, irreparably impair our clients from voicing their complaints in this suit. Further, witnesses continue to come forward noting unlawful instances of double voting. *See e.g.* Exhibit 2 "Incident Report" by Susan Moore. Such statements evidence the significance of the suit and need for immediate attention to preserve the voters' constitutional rights.

Very truly yours,



L. Eades Hogue

LEH/KWM

cc:

Honorable Delbert Hosemann
Secretary of State
401 Mississippi Street
Jackson, Mississippi 39201-1004

Via facsimile (601) 576-2545

Joe Nosef
Chairman, Mississippi Republican Party
415 Yazoo Street
Jackson, Mississippi 39201

Via facsimile (601) 354-0972

Mr. Michael B. Wallace
WISE CARTER CHILD & CARAWAY, P.A.
401 E. Capitol Street
Heritage Building, Suite 600
Jackson, Mississippi 39201

Via facsimile 601-944-7738

Circuit Clerk of Defendant County Election Commissions via the following email addresses:
'bdunn@co.hinds.ms.us'; 'jdccc07@yahoo.com'; 'circuitclerk@lauderdalecounty.org';
'khenderson@co.leake.ms.us'; 'lee@madison-co.com'; 'rdnboyd@rankincounty.org';
'simpsoncircuit@co.simpson.ms.us'; 'rcoleman@yazoocountymms.gov';
'estevens@copiahcountymms.gov'

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

True the Vote, Jane Coln, Brandie Correro,
Chad Higdon, Jennifer Higdon, Gene
Hopkins, Frederick Lee Jenkins, Mary
Jenkins, Tavish Kelly, Donna Knezevich,
Joseph Knezevich, Doris Lee, Lauren Lynch,
Norma Mackey, Roy Nicholson, Mark
Patrick, Julie Patrick, Paul Patrick, David
Philly, Grant Sowell, Sybil Tribble, Laura
VanOvershelde, and Elaine Vechorik

Plaintiffs,

v.

Cause No. 3:14-cv-00532-HTW-LRA

The Honorable Delbert Hosemann, in his
official capacity as Secretary of State for the
State of Mississippi, The Republican Party of
Mississippi, Copiah County, Mississippi
Election Commission, Hinds County,
Mississippi Election Commission, Jefferson
Davis County, Mississippi Election
Commission, Lauderdale County,
Mississippi Election Commission, Leake
County, Mississippi Election Commission,
Madison County, Mississippi Election
Commission, Rankin County, Mississippi
Election Commission, Simpson County,
Mississippi Election Commission, and Yazoo
County, Mississippi Election Commission

Defendants.

VERIFICATION TO MOTION FOR TEMPORARY RESTRAINING ORDER

TRUE THE VOTE

By: _____

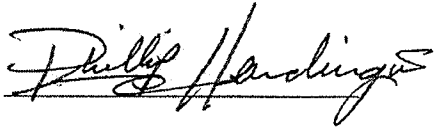
1. "I, Phillip C. Harding III, verify the following is true and correct under penalty of perjury under the laws of the United States of America. *See* 28 U.S.C. § 1746.
2. I served as district coordinator for District 4 in Harrison County.



3. I was at the Harrison County Election Commission's Office Tuesday, July 1, 2014 on or about 2pm. I was assisting in cleaning out the supply bins that the poll managers used and restoring the pens, pencils, posters, etc.

4. In a one of the bins I found a small stack of provisional ballots, unopened. I gave the provisional ballots to an Executive Committee member who took control of them. I also found absentee ballot bags in several of the supply bins. Some had opened envelopes and applications in them. I took the applications and envelopes out because I did not know what to do with them, but believed they should be saved. After setting them aside I saw another volunteer dispose of them at executive committee members' direction.

5. Further, affiant sayeth not."



Phillip C. Harding III

Executed on July 9th, 2014.

Sworn to and subscribed
Before me, this the 9th day of
July 2014. Monique Pietrowski
Notary Public



July 9, 2014



TRUE the VOTE

TYPE OF INCIDENT *Double Voting*

DESCRIPTION OF INCIDENT *Upon reviewing the Unofficial Voter List for the Noxubee Co. for the June 3, 2014 Democratic Primary, I identified on page 59, Jaye D. Waid, ID# 5654023, address 176 Magnolia Dr., Macon, MS. 39341 as listed to have voted in the Democratic Primary.*
Upon reviewing the Unofficial Voter List for Noxubee Co. for the June 24, 2014 Run Off Election, I identified on pg. 82, Jaye D. Waid, ID# 5654023, address 176 Magnolia Dr., Macon M.S. 39341 as listed to have voted in the Republican Run off. (Copies attached)

REMEDY OR ACTION TAKEN

I certify and affirm that the above information is true and correct.

SIGNATURE *Susan Morse* *July 9, 2014*

Mail To:
True the Vote
P.O. Box 27378
Houston, Texas 77227

Scan and E-mail to:
info@truethevote.org

County : Noxubee

Unofficial Voting List

Date : 07/08/2014

Report No : VR-028

Precincts : All Status : All Registration Period Till : 7/8/2014 Election : 06/03/2014 - 2014 Primary Election Period Till : 06/03/2014

Voter ID	Voter Name	Residential/Mailing Address	City	Precinct	Eff Regn Date	Party
5654068	TRIPLETT, DOUGLAS	200 W MINOR ST MACON MS 39341	MACON	EARL NASH GYM	07/06/1977	D
6/3/2014(D)						
5654071	TRIPLETT, GLENDA	444 PINEYWOOD RD MACON MS 39341	MACON	District 3 Central	05/19/1978	D
6/3/2014(D)						
5652669	TUGGLE, DENNIS EARL	177 SAWMILL LN SHUQUALAK MS 39361	SHUQUALAK	Shuqualak	06/28/1990	D
6/3/2014(D)						
5659989	TURNER, MAMIE ROSE	103 PLUM ST SHUQUALAK MS 39361	SHUQUALAK	Shuqualak	07/23/1977	D
6/3/2014(D)						
5654074	TUTT, EARNESTINE	607 GROVE CIRCLE MACON MS 39341	MACON	District 3 Central	04/05/1983	D
6/3/2014(D)						
5658394	VANLENT, SRCLARE LOUISE	2824 DWELLING PLACE RD BROOKSVILLE MS 39739	BROOKSVILLE	Brooksville	03/06/1987	D
6/3/2014(D)						
5654023	WAID, FAYE G	176 MAGNOLIA DR MACON MS 39341	MACON	District 3 Central	07/20/1977	D
6/3/2014(D)						
5654214	WALKER, ALBERT	1389 PINEYWOOD RD MACON MS 39341	MACON	District 3 Central	05/18/1977	D
6/3/2014(D)						



County : Noxubee Date : 07/08/2014
Unofficial Voting List Report No : VR-028

Precincts : All Status : All Registration Period Till : 7/8/2014 Election : 06/24/2014 - Run Off Election for '6/3/2014 - 2014 Primary Election' Period Till : 06/24/2014

Voter ID	Voter Name	Residential/Mailing Address	City	Precinct	Eff Regn Date	Party
5653242	VERNON, JAMES W	203 FEATHERSTON CT MACON MS 39341	MACON	EARL NASH GYM	10/27/1977	R
6/24/2014(R)						
5661701	VERNON, JAMIE CAROL	205 N WASHINGTON ST MACON MS 39341	MACON	EARL NASH GYM	09/28/1996	R
6/24/2014(R)						
5660709	VERNON, MARIE H	203 FEATHERSTON CT MACON MS 39341	MACON	EARL NASH GYM	10/27/1977	R
6/24/2014(R)						
5657153	VERNON, MRS SAM	ROUTE 1, BOX 131	BROOKSVILLE	Brooksville	09/24/1977	R
6/24/2014(R)						
5657376	VERNON, RICHARD F	3712 BUTLER RD SHUQUALAK MS 39361	SHUQUALAK	Summerville	02/22/1991	R
6/24/2014(R)						
5655946	VERNON, SARAH VIRGINIA	1070 JOHNNY HIGGINBOTHAM RD SHUQUALAK MS 39361	SHUQUALAK	Summerville	09/13/1977	R
6/24/2014(R)						
*5654023	WAID, FAYE G	176 MAGNOLIA DR MACON MS 39341	MACON	District 3 Central	07/20/1977	R
6/24/2014(R)						
5657089	WALKER, JASON M	254 WALKER RD MACON MS 39341	MACON	EARL NASH GYM	02/28/2001	R
6/24/2014(R)						