

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

BARABARA O'NEIL, WILLIAM SEWELL,  
JULIANNE HUBER, and MISSISSIPPI  
STATE CONFERENCE OF THE N.A.A.C.P.,

Plaintiffs,

v.

DELBERT HOSEMANN, in his official  
capacity as Secretary of State of the State of  
Mississippi, KIMBERLY P. TURNER, in her  
official capacity as Assistant Secretary of State  
of the Elections Division, PHIL BRYANT, in  
his official capacity as Governor of the State of  
Mississippi, and the MISSISSIPPI STATE  
BOARD OF ELECTION COMMISSIONERS,  
and its individual members, SECRETARY  
DELBERT HOSEMANN, GOVERNOR PHIL  
BRYANT, and ATTORNEY GENERAL JIM  
HOOD, OFFICE OF ELECTION  
COMMISSIONERS OF HARRISON  
COUNTY and OFFICE OF ELECTION  
COMMISSIONERS OF HINDS COUNTY,

Defendants.

Civil Action File No. *3:18cv 815-DPJ-FKB*

**COMPLAINT**

Plaintiffs Barbara O'Neil, William Sewell, Julianne Huber, and Mississippi State  
Conference of the NAACP (collectively, "Plaintiffs") allege as follows:

**INTRODUCTION**

1. This action concerns the onerous and costly process Mississippians must navigate in  
order to cast an absentee ballot if they are unable to vote in person on Election Day.

2. Mississippi's absentee ballot procedures stand out as some of the most burdensome in this country.

3. A Mississippian wishing to vote by absentee ballot must satisfy one of a limited number of excuses in order to just request an absentee ballot and then the voter must get *both* their request form *and* their absentee ballot notarized or otherwise witnessed by an officer authorized to administer oaths.

4. In addition, Mississippi does not make the absentee application form available for download and prohibits use of photocopies of the form, therefore requiring the voter to travel to the circuit clerk's office to pick up an original of the application or wait for it to be mailed to them.

5. To make matters worse, Mississippi is one of just three states in the nation that require absentee ballots to be received *before* Election Day – making the timeframe by which Mississippians must complete the arduous absentee voting process even shorter.

6. This burdensome process is difficult to navigate in the best of circumstances. When compounding circumstances - such as an inability to pay for or find notary services, or a delay in postal delivery - add further complications, it becomes impossible.

7. As described more fully below, because county circuit clerks only began sending out absentee ballots on Saturday, November 17<sup>th</sup>, and because absentee ballots are due back by 5p.m. on Monday, November 26<sup>th</sup>, Mississippians voting absentee have just a few days over Thanksgiving week to complete the absentee voting process.

8. This is an action for prospective declaratory and injunctive relief to protect the right to vote of those Mississippians who want to cast absentee ballots in the November 27, 2018 runoff election and beyond.

9. The right to vote is a “fundamental political right” that is “preservative of all rights.” *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886). The right to vote includes “the right of qualified voters within a state to cast their ballots and *have them counted*.” *United States v. Classic*, 313 U.S. 299, 315 (1941) (emphasis added).

10. Individual plaintiffs are permanent residents of Mississippi who have voted and intend to continue voting in Mississippi. All individual plaintiffs are traveling or otherwise out-of-county and will not be home on November 27, the day of the runoff election.

11. Therefore, the only possible way individual Plaintiffs can vote in the runoff election is through absentee vote-by-mail procedures.

12. While each individual Plaintiff requested an absentee ballot in advance of the runoff election, as of November 20, none of them had received an absentee ballot.

13. With less than one week left before the deadline to return absentee ballots and with the intervening Thanksgiving holidays, even if individual Plaintiffs receive their ballots, get them notarized, and send them by overnight mail, it is unlikely that Plaintiffs’ ballots will be received by November 26 at 5 pm.

14. Mississippi’s absentee ballot procedures burden the right to vote, serve no legitimate governmental purpose that cannot be accomplished by more tailored means, and threaten to disenfranchise honest, eligible voters.

15. For these reasons, and as further alleged in detail below, Plaintiffs respectfully request that this Court issue a declaratory judgment that Mississippi's burdensome and stringent absentee voting requirements violate the fundamental right to vote as guaranteed by the First and Fourteenth Amendments to the United States Constitution.

16. Plaintiffs also request that this Court grant immediate injunctive relief ordering Defendants to count all eligible voters' absentee ballots, including those of Plaintiffs, if postmarked on or before November 27, 2018, and that the Defendant Secretary of State take reasonable steps to notify the public and all counties within Mississippi of the new deadline.

17. Additionally, Plaintiffs request that this Court order Defendants to take all necessary actions to make the absentee voting procedures less burdensome so that they do not violate Plaintiffs and other Mississippians' fundamental right to vote.

#### **JURISDICTION AND VENUE**

18. This action arises under the Due Process and Equal Protection Clauses of the First and Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

19. This Court has subject matter jurisdiction over the claim raised in this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction), § 1343 (jurisdiction over civil rights actions).

20. This Court has authority to grant both declaratory and injunctive relief pursuant to § 2201 (authority to grant declaratory relief), and § 2202 (authority to grant relief ancillary to declaratory judgment), in addition to its authority under the Civil Rights Act and its inherent equitable powers.

21. The Court has personal jurisdiction over Defendants Mississippi Secretary of State Delbert Hosemann, Mississippi Governor Phil Bryant, Assistant Secretary of Elections Kimberly

P. Turner, and the State Board of Election Commissioners and their individual members, whose principal offices are in Jackson, Mississippi. This Court has personal jurisdiction over the Office of Election Commissioners of Harrison County and Hinds County, whose principal offices are in Mississippi.

22. Venue lies in the Southern District of Mississippi pursuant to 28 U.S.C. § 1391(b) because all Defendants are residents of Mississippi, and a substantial part of the events or omissions giving rise to the Plaintiffs' claims occurred and will occur in this judicial district.

#### **PLAINTIFFS**

23. Plaintiff Barbara O'Neil is eighty-seven years old and is a permanent resident of Hinds County, Mississippi. She is visiting family in Tennessee in the days leading up the November 27 runoff election and cannot vote in person on Election Day. Ms. O'Neil has voted consistently in several Mississippi election cycles and is eager to vote in the November 27 runoff election.

24. Plaintiff William Sewell is sixty-five years old and is a permanent resident of Harrison County, Mississippi. He is a professor at Harvard Medical School and has been in Boston since November 15 and therefore cannot vote in person on Election Day. Mr. Sewell has voted consistently in several election cycles and is eager to vote in the November 27 runoff election.

25. Plaintiff Julianne Huber is sixty-seven years old and is a permanent resident of Harrison County, Mississippi. She is an emergency physician and has been in Boston for work since November 8 and cannot vote in person on Election Day. Ms. Huber has voted in multiple elections since she became old enough to vote and is eager to vote in the November 27 runoff election.

26. Plaintiff Mississippi State Conference of the NAACP (hereinafter, MS NAACP) is a non-partisan, interracial, nonprofit membership organization headquartered in Jackson, MS. The mission of the MS NAACP is to eliminate racial discrimination through democratic processes and ensure the equal political, educational, social and economic rights of all persons, in particular African-Americans. The MS NAACP currently consists of 112 units, which include branches, college chapters, and youth councils with a revolving membership of over 11,000 members across the state and at least 1 member in 74 of the 82 counties in Mississippi. The MS NAACP works to protect voting rights through litigation, advocacy, legislation, communication and outreach. A considerable amount of the MS NAACP's work and resources are devoted to promoting voter registration, voter education, get-out-the-vote efforts, election protection and census participation. The MS NAACP, along with its branches, regularly conducts voter registration drives and other activities to help Mississippians vote absentee or in person throughout Mississippi. As a result of Mississippi's burdensome absentee voting procedures, the MS NAACP and its branches are forced to divert resources, including staff and volunteer time and money, to educating prospective voters about this scheme and helping them navigate the procedures so that they understand that unless they meet the many requirements (e.g., notarizing the absentee ballot request form and ballot, returning the ballot before election day, etc.), their vote will not be counted.

#### **DEFENDANTS**

27. Defendant Delbert Hosemann is the Secretary of State of the State of Mississippi and is sued in his official capacity. As detailed on the Secretary of State's website, in his official capacity as head of the Elections Division, he is responsible for assuring that Mississippians'

voices are heard clearly through the election process, training elections officials, collecting election returns, and assisting local election officials in carrying out their election related responsibilities. Mississippi Secretary of State, *Elections & Voting*, <http://www.sos.ms.gov/Elections-Voting/Pages/default.aspx>. Secretary Hosemann is the chief election officer for the purposes of the National Voter Registration Act. Miss. Code Ann. § 23-15-211.1. Secretary Hosemann is also responsible for implementing voting system standards under the Help America Vote Act and issuing supplementary instructions for the safe and efficient use of electronic voting systems. Miss. Code Ann. §§ 23-15-169.5, 23-15-525.

28. Defendant Kimberly P. Turner is the Assistant Secretary of State of the Elections Division and is sued in her official capacity. In that capacity, she has authority under the direction and supervision of the Secretary of State to “perform all of the duties required by law of that officer; and each [assistant] shall be liable to the pains and penalties to which the secretary of state is liable...and they shall devote their entire time and attention to the duties pertaining to the department of state as required by the general laws.” Miss. Code Ann. § 7-3-71.

29. Defendant Phil Bryant is the Governor of the State of Mississippi and is sued in his official capacity. In that capacity, he is the supreme executive officer of the State. Miss. Code Ann. § 7-1-5. Governor Bryant is tasked with faithfully executing the laws of the State. *Id.* Defendant Mississippi State Board of Election Commissioners and its individual members Secretary Delbert Hosemann, Governor Phil Bryant, and Attorney General Jim Hood (collectively, “State Board”) are sued in their official capacity. In that capacity, the State Board bears the responsibility for “approving the state ballot” for statewide races, such as U.S. Senate. Miss. Code Ann. § 23-15-211.

30. Defendant Office of the Election Commissioners of Harrison County is responsible for conducting all general and special elections including preparing, distributing, printing, and counting official ballots in Harrison County. Miss. Code Ann. § 23-15-359(9), § 23-15-523.

31. Defendant Office of the Election Commissioners of Hinds County is responsible for conducting all general and special elections including preparing, distributing, printing, and counting official ballots in Hinds County. Miss. Code Ann. § 23-15-359(9), § 23-15-523.

### **FACTUAL ALLEGATIONS**

#### **Timelines for Absentee Ballot Mailings**

32. Election commissioners in each county must certify the official results of the election “within 10 days after the day of the election” and transmit the results from each county to the Secretary of State. Miss. Code Ann. § 23-15-603.

33. The certification date for the Tuesday, November 6 election was Friday, November 16.

34. The earliest circuit clerks could send out ballots for the runoff election therefore, was on Saturday, November 17<sup>th</sup>.

#### **Mississippi's Vote-By-Mail Procedures**

35. In order to vote by absentee ballot, a voter may make a request for an absentee application orally, in writing, or by calling the circuit clerk's office. Miss. Code Ann. § 23-15-627, §23-15-657.

36. A voter must qualify under one of thirteen reasons to vote absentee including that the voter will be out-of-county on Election Day; the voter's studies or employment necessitates their absence from the county on Election Day; or the voter is a parent, spouse, or dependent of a



person with a temporary or permanent physical disability who is hospitalized outside his county of residence or more than fifty (50) miles away from his residence and the voter will be with such person on Election Day. Miss. Code Ann. § 23-15-713.

37. If a voter does not qualify under one of these thirteen reasons, he or she cannot vote by absentee ballot, even if the voter is otherwise eligible to vote but is unable to go to a polling place on Election Day.

38. Only county circuit clerks can distribute absentee ballot applications. Miss. Code Ann. § 23-15-627. Absentee ballot applications (except for applications by military and overseas voters who may use the Federal Post Card Application available online) must bear “the seal of the circuit or municipal clerk affixed to it and be initialed by the registrar or his deputy.” *Id.* Applications cannot be reproduced except by the registrar of the county. *Id.*

39. The absentee ballot application includes a warning in boldface that making a “false statement” on an absentee ballot application and selling one’s vote is punishable with a fine of up to \$5,000 and a sentence of up to five years. Miss. Code Ann. § 23-15-627.

40. The application requires all applicants, except those who are “temporarily or permanently disabled” to have their application “notarized or signed by an official authorized to administer oaths for absentee balloting.” Miss. Code Ann. § 23-15-627.

41. Mississippi does not make free notary services available to residents wishing to vote absentee so, if a notary requires payment for certifying a voter’s absentee ballot application or absentee ballot, the voter must pay.

42. Once a request is made for an absentee ballot application, the county clerk can mail the application to the voter if the voter cannot appear at the clerk's office to complete the application in person. Miss. Code Ann. § 23-15-715(a)-(b).

43. After receiving a properly completed and notarized absentee ballot application, "the registrar shall send to such absent voter a proper absentee voter ballot within twenty-four (24) hours" of having received a notarized application, or "as soon thereafter as the ballots are available." Miss. Code Ann. § 23-15-715(a). Under Miss. Code Ann. § 23-15-631, the voter must then find a "postmaster," "postal supervisor," or "other officer having authority to administer an oath" to act as a witness and watch them complete the ballot.

44. After completing the ballot in front of an approved witness, the voter must then have the witness authenticate his or her signature with the cancellation stamp for the post office, if the witness is a postal worker, or sign a certificate with his or her title and address.

45. The ballot must be "received by the registrar by 5:00 p.m. on the date preceding the election" for it to be counted. Miss. Code Ann. § 23-15-637.

46. All ballots received after the 5 p.m. cutoff are not counted. Miss. Code Ann. § 23-15-647.

47. No state has the combination of requirements and early deadlines that Mississippi has. Mississippi is one of just three states that requires voters to ensure their ballots are *received* before Election Day, rather than just requiring ballots be postmarked by Election Day.

#### **A Significant Number of Voters Vote Absentee in Mississippi**

48. According to a Report by the Election Assistance Commission, in the 2016 general election, Mississippi voters cast more than 100,000 absentee ballots, Election Assistance

Commission, *The Election Administration and Voting Survey: 2016 Comprehensive Report*, June 29, 2017, \*23-24, [https://www.eac.gov/assets/1/6/2016\\_EAVS\\_Comprehensive\\_Report.pdf](https://www.eac.gov/assets/1/6/2016_EAVS_Comprehensive_Report.pdf).

49. According to an article by the Associated Press, 50,571 absentee ballots were requested in 2018, up from 25,395 ballots in 2014. The article states that absentee ballots account for four to five percent of Mississippi's total vote. Emily Wagster Pettus, *Mississippi election leader predicts strong voter turnout*, Associated Press, Oct. 31, 2018, <https://www.mrt.com/news/article/Mississippi-election-leader-predicts-strong-voter-13352115.php>.

50. In an article in the Clarion Ledger, Mississippi State Senator David Blount was quoted saying that the absentee voting process provides "a very tight window to vote." Jimmie E. Gates, *State holidays could impact absentee voting for runoff elections*, Clarion Ledger, Nov. 12, 2018, <https://www.clarionledger.com/story/news/politics/2018/11/12/state-holidays-could-complicate-absentee-voting-mississippi/1942608002>.

**Plaintiffs and Other Mississippians Will Be Disenfranchised in the November 27 Election and in Future Elections Due to Tight Absentee Ballot Mailing Timelines and Elaborate Procedural Requirements**

51. Plaintiffs are eligible Mississippi voters who are over the age of 18, U.S. citizens, and have lived in the State for more than thirty (30) days prior to the registration deadline. All of them are registered to vote and have voted in Mississippi in recent elections. Plaintiffs requested absentee ballot applications in Mississippi. Despite following the requirements and deadlines prescribed by the Mississippi Election Code, none of the Plaintiffs has received their absentee ballot application or absentee ballot.

52. Plaintiff Barbara O'Neil has not received her absentee ballot for the November 27, 2018 runoff election. She is currently in Tennessee and will remain there in the days preceding and on the day of the runoff election. On November 14, she called the Hinds County Circuit Clerk's Office to request an absentee ballot application to be sent to her temporary address in Memphis, Tennessee. On November 16, she received an absentee ballot application by postal mail. The absentee ballot application she received incorrectly listed her as having a temporary or permanent disability as the reason behind her needing to vote absentee. That same day, Ms. O'Neil called the Hinds County Circuit Clerk's Office and requested a second absentee ballot application. As of November 20, she has not received her absentee ballot. She is concerned that she will not be able to cast an absentee ballot in the runoff election due to the limited number of days left for her to receive, complete and have notarized, and send both the absentee application and the ballot to the Clerk's Office.

53. Plaintiff William Sewell is sixty-five years old, and a permanent resident of Harrison County, Mississippi. He has been in Boston since November 15 and cannot vote in person on Election Day. He voted in person in the November 6 election. On November 17, Mr. Sewell called the Harrison County Circuit Clerk's Office to request an absentee application and ballot for both he and his wife to be mailed to their Boston address. As of November 21, he has not received his absentee ballot or application.

54. Plaintiff Julianne Huber is sixty-seven years old and a permanent resident of Harrison County, Mississippi. She has been in Boston since November 8 and cannot vote in person on Election Day. She voted in person in the November 6 election. When she learned there was going to be a runoff election, she immediately called the county circuit clerk to request an

absentee ballot, but was told to call back later. When she called a second time a few days later, she was again told she could not yet request an absentee ballot for the runoff and would need to call back. She set an alarm to remind herself to call yet a third time, but got pulled into an emergency medical procedure, so asked her husband to call on her behalf. On November 17, her husband, William Sewell, called the Harrison County Circuit Clerk's Office to request an absentee application and ballot for himself and Julianne to be mailed to their Boston address. As of November 21st, she has not received her absentee ballot or application.

55. Plaintiff MS NAACP has had to divert resources – including staff time and money – to educate and help Mississippians navigate the burdensome absentee procedures so that they can participate in state and federal elections.

56. On November 16, the Lawyers' Committee for Civil Rights Under Law sent a letter to Secretary Hosemann requesting that all absentee ballots postmarked by November 27 be counted in the runoff election and that the Secretary of State issue accessible guidance on its website to prospective absentee voters in the upcoming election.

57. On November 20, Assistant Secretary Kim Turner responded to the letter stating that the Secretary of State did not have authority to extend the deadlines for counting absentee ballots. The letter and response are attached as Exhibit C.

### **COUNT I: FUNDAMENTAL RIGHT TO VOTE**

#### **42 U.S.C. § 1983**

#### **Threatened Infringement of the Fundamental Right to Vote in Violation of the First and Fourteenth Amendments**

58. Plaintiffs incorporate and re-allege each of the foregoing paragraphs.

59. 42 U.S.C. § 1983 provides in pertinent part, “[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the part injured in an action at law, suit in equity, or other proper proceeding for redress.”

60. Defendants’ actions described herein were taken under color of the laws of the State of Mississippi.

61. The First and Fourteenth Amendments of the United States Constitution protect the right to vote as a fundamental right. The First Amendment’s guarantees of freedom of speech and association protect the right to vote and to participate in the political process. The right to vote is a fundamental constitutional right also protected by the due process and equal protection clauses of the Fourteenth Amendment. *See, e.g., Bush v. Gore*, 531 U.S. 98, 104-05 (2000); *Harper v. Va. State Bd. Of Elections*, 383 U.S. 663, 670 (1966) (Virginia’s poll tax violates the Equal Protection Clause); *Anderson v. Celebrezze*, 406 U.S. 780, 786-87 (1983) (the right to vote is incorporated into the Due Process Clause).

62. Inherent in individuals’ fundamental right to vote is the right to have one’s vote counted and reported correctly, and to be as effective as the votes cast by other voters in the same election.

63. Current election procedures make it exceptionally difficult to vote absentee in Mississippi.

64. Eligibility for absentee voting is limited to only narrow categories of voters, and some categories of voters that are otherwise eligible to vote are not eligible for absentee voting.

65. Absentee ballot applications are not available online and must be on official seal. This burdens the right to vote because it requires voters to either appear in person or receive the ballot application via mail.

66. Voters cannot submit absentee ballot applications by electronic means. This burdens the right to vote because it requires voters to either appear in person or submit the application via mail, which may take several days to be received by a circuit clerk's office.

67. Voters may also have to pay additional money to send the application quickly if there is limited time before the election in order to attempt to get an absentee ballot.

68. Voters are also required to have both the absentee ballot envelope and application notarized, despite attesting to their identity and signing an acknowledgment of penalties up to \$5,000 for including false information on both forms. This process also requires voters to find a notary or other official authorized to administer oaths, which adds more time to the absentee voting process and often involves fees that the voter will have to pay twice in order to comply with Mississippi law.

69. By not giving electors who vote absentee a reasonable opportunity to cast their ballot, the Defendants knowingly and severely burden and infringe upon the fundamental right to vote of the Plaintiffs and other, similarly-situated voters.

70. These imminently threatened and severe burdens and infringements on the fundamental right to vote that will be caused by Defendants' conduct are not outweighed or justified by, and

are not necessary to promote, any substantial or compelling state interest that cannot be accomplished by other, less restrictive means.

**COUNT II: FUNDAMENTAL RIGHT TO VOTE**

**42 U.S.C. § 1983**

**Threatened Infringement of the Fundamental Right to Vote in Violation of the First and Fourteenth Amendments in the November 27 Runoff Election**

71. Plaintiffs incorporate and re-allege each of the foregoing paragraphs.

72. These procedures are unnecessarily and unduly burdensome under normal election situations. In the context of this year's runoff election, they render it virtually impossible for many voters to vote. Voters who seek to vote in the November 27 runoff election are required to complete these steps in roughly one week, and may also be required to pay for overnight shipping in an effort to cast the ballot and ensure that the ballot will be counted.

**PRAYER FOR RELIEF**

Plaintiffs respectfully pray that the Court:

- Enter judgment in favor of Plaintiffs and against Defendants on the claims for relief as alleged in this Complaint;
- Enter a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202 declaring that the strict deadline for receipt of absentee ballots, combined with the other stringent requirements of Mississippi law, violates Plaintiffs' constitutional right to vote;
- Issue an order requiring that Defendants: (a) update their websites to provide more easily accessible information to non-military and overseas Mississippians on how to vote absentee in this and all future elections; (b) end the practice of preventing Mississippians



from downloading or photocopying the absentee ballot application form; (c) permit electronic submission of the absentee ballot application form; and (d) relax the burdensome notary requirements imposed on absentee voters;

- Grant preliminary and permanent injunctive relief by ordering that Defendants: (a) discontinue enforcement of the current deadline for returning absentee ballots by mail; and, (b) take all necessary steps to count in the November 27 runoff election all valid absentee ballots cast by eligible voters, including those of Plaintiffs, if returned with a postmark indicating a date of mailing on or before November 27;
- Order Defendants to take all reasonable steps to provide adequate notice to the public of the extension of time by which to return their absentee ballots, including, without limitation, through press release to the media, and on Defendants' websites;
- Retain jurisdiction to render any and all further orders that this Court may deem necessary;
- Award Plaintiffs their reasonable attorneys' fees and costs pursuant to statute; and
- Grant Plaintiffs such other and further relief as may be just and equitable.

Respectfully submitted this 21st day of November, 2018.

  
/s/ Carroll Rhodes

Carroll Rhodes, Esq.

*Attorney for the Mississippi State Conference of the N.A.A.C.P.*

Mississippi Bar No. 5314

Law Offices of Carroll Rhodes

P.O. Box 588

Hazelhurst, MS 39083

Phone: 601 894-4323

Fax: 601 894-1464

Email: crhode@bellsouth.net

Ezra D. Rosenberg (*pro hac vice* to be filed)  
Arusha Gordon (*pro hac vice* to be filed)  
Pooja Chaudhuri (*pro hac vice* to be filed)  
Jennifer Nwachukwu (*pro hac vice* to be filed)  
LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW  
1500 K Street NW, Suite 900  
Washington, D.C. 20005  
Telephone: (202) 662-8600  
Facsimile: (202) 783-0857

Neil A. Steiner (*pro hac vice* to be filed)  
DECHERT LLP  
1095 6<sup>th</sup> Avenue  
New York, NY 10036  
Telephone: (212) 698-3500  
Facsimile: (212) 698-3599

Julia Chapman (*pro hac vice* to be filed)  
Jillian Taylor (*pro hac vice* to be filed)  
DECHERT LLP  
2929 Arch Street  
Philadelphia, PA 19104  
Telephone: (215) 994-2000  
Facsimile: (215) 994-2222

## **Exhibit A**

**DECLARATION OF WILLIAM SEWELL**

Pursuant to 28 U.S.C. § 1746, I, William Sewell, hereby declare as follows:

1. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.
2. I am 65 years of age and am otherwise competent to testify. I am a permanent resident of Harrison County, Mississippi.
3. I am a professor at Harvard Medical School and a founder of a Biotech company in Massachusetts. My wife Julianne Huber and I are domiciled in Mississippi where we have owned a house for the past thirteen years. We also reside in Massachusetts for part of the year for our work. My wife and I will be retiring to Mississippi in the coming months.
4. I am registered to vote in Mississippi and otherwise meet the qualifications for voting. I am over the age of 18, a U.S. citizen, and have lived in Mississippi for more than 30 days since I registered to vote in September 2018.
5. My permanent residence and domicile for purposes of voter registration is 767 East Scenic Drive, Pass Christian, MS 39571.
6. I registered to vote at the 767 East Scenic Drive, Pass Christian address by completing the online voter registration application and mailing it to the Harrison County Circuit Clerk's Office, no later than September 2018.
7. On or sometime before October 15, I received my voter registration card in the mail.
8. I voted in person in the November 6 general election. I voted a regular ballot. I did not encounter any problems while voting in person.

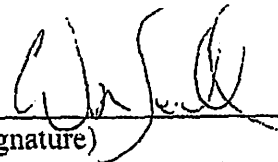
9. On or about November 7, I learned that a runoff election would take place for the United States Senate Seat for Mississippi.
10. I knew that I was not going to be in Pass Christian in the days leading up to and on November 27, the day of the runoff election and would need to request an absentee ballot.
11. On or about November 9, my wife called the Harrison County Circuit Clerk's Office to request an absentee ballot but was not able request a ballot on that day. She was told that she could not request an absentee ballot until the vote was certified and that she should call on Saturday, November 17 between 8 a.m. and 12 p.m. to make a request. The Clerk further informed her that she would need to have the paperwork notarized.
12. On November 15, I returned to Boston for work and the Thanksgiving holiday. I had booked my ticket more than a month in advance.
13. On the morning of November 17, I called the Harrison County Circuit Clerk's Office to request an absentee ballot. I requested that the ballot be mailed to 100 Pier 4 Boulevard, #1012, Boston, MA 02210. I also requested an absentee ballot for my wife to be mailed to the same address.
14. The Clerk's Office informed me that ballot materials would be mailed out on November 17.
15. The Clerk's Office did not describe the process for voting absentee and did not clarify whether they would send both the application and ballot or just the application.
16. I am aware that the absentee ballot application must be on official seal and that I cannot download the application online.

17. My understanding is that I have to notarize my application and also have someone authorized to administer oaths sign my ballot. I am not certain where I can find a notary on a holiday weekend before the runoff election. I plan to visit my bank and inquire whether they have notary services.
18. I am aware that for my absentee ballot to count, it has to be received by the Harrison County Circuit Clerk's Office by 5 p.m. on November 26, 2018.
19. I plan to mail the ballot overnight if necessary. It will cost approximately \$25 to mail the ballot.
20. As of November 21, 2018, I have not received my absentee application or ballot in the mail.
21. I have been voting for a long time, since I became old enough to vote. I have voted consistently in several election cycles. I am eager to vote in the runoff election on November 27.
22. I anticipate having to vote absentee in the future because of work commitments in Boston. I also visit Maine from time to time because my daughter lives there.
23. Voting in the November 27, 2018 runoff election is important to me and I am disappointed at how difficult it has been to navigate the absentee process.
24. With less than one week left before the absentee ballot deadline and the Thanksgiving holidays, I fear that there is too little time between now and the runoff election to receive an application in the mail, mail my application to the Circuit Clerk, wait to receive my absentee ballot in the mail, and return my absentee ballot before the Monday, 5 p.m. deadline on November 26.

25. I declare under penalty of perjury that the foregoing is true and correct. Executed on this

20th day of November, 2018 in Boston, Massachusetts.

Dated: Nov 21, 2018

  
(signature)

William Sewell  
(printed name)

## **Exhibit B**



**DECLARATION OF JULIANNE HUBER**

Pursuant to 28 U.S.C. § 1746, I, Julianne Huber, hereby declare as follows:

1. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.
2. I am 67 years of age and am otherwise competent to testify. I am a permanent resident of Harrison County, Mississippi.
3. I am an emergency physician at a hospital in Massachusetts. My husband William Sewell and I are domiciled in Mississippi where we have owned a house for the past twelve years. We also reside in Massachusetts for part of the year for our work. My husband and I will be retiring to Mississippi in the coming months.
4. I was born and raised in Biloxi Mississippi, but moved away for college when I was eighteen years old.
5. I am registered to vote in Mississippi and otherwise meet the qualifications for voting. I am over the age of 18, a U.S. citizen, and have lived in Mississippi for more than 30 days since I registered to vote in September 2018.
6. My permanent residence and domicile for purposes of voter registration is 767 East Scenic Drive, Pass Christian, MS 39571.
7. I registered to vote at the 767 East Scenic Drive, Pass Christian address by completing the online voter registration application and mailing it to the Harrison County Circuit Clerk's Office, no later than September 2018. My husband also submitted his voter registration on or about the same time.
8. On or sometime before October 15, my husband received his voter registration card in the mail. At that time, I had not received my voter registration card.

9. On or about the week of October 15, I called the Harrison County Clerk's Office to ask about my voter registration card. The Clerk's Office informed me that they were back logged with processing registrations.
10. I received my registration card about one week before the November 6 general election.
11. I voted in person in the November 6 general election. I voted a regular ballot. I did not encounter any problems while voting in person.
12. On or about November 7, I learned that a runoff election would take place for the United States Senate Seat for Mississippi.
13. I knew that I was not going to be in Pass Christian in the days leading up to and on November 27, the day of the runoff election and would need to request an absentee ballot.
14. On or about November 7, I called the Harrison County Circuit Clerk's Office to request an absentee ballot. I was informed that I would have to call back because election results had not been certified.
15. On or about November 9, I called the Circuit Clerk's Office again to request an absentee ballot but was not able request a ballot on that day. The Clerk's Office informed me that I could not request an absentee ballot until the vote was certified and that I should call back on Saturday, November 17 between 8 a.m. and 12 p.m. to make a request. The Clerk further informed me that I would need to have my paperwork notarized.
16. On November 8, I returned to Boston for work and the Thanksgiving holiday. I had booked my ticket more than a month in advance.
17. On November 17, I set an alarm on my phone sometime between 8 a.m. and 12 p.m. as a reminder to call the Clerk's Office to request an absentee ballot.

18. I was not able to call on the morning of November 17 because I had to work in the emergency room and had to see many patients.
19. My husband called the Harrison County Circuit Clerk's Office to request an absentee ballot for himself to be mailed to 100 Pier 4 Boulevard, #1012, Boston, MA 02210. He also requested an absentee ballot for me at the same address.
20. I am not certain whether the Clerk will be mailing the application and the ballot together or just the application.
21. I am aware that the absentee ballot application must be on official seal and that I cannot download the application online.
22. My understanding is that I have to notarize my application and also have someone authorized to administer oaths sign my ballot. I am not certain where I can find a notary on a holiday weekend before the runoff election. I plan to visit my bank and inquire whether they have notary services.
23. I am aware that for my absentee ballot to count, it has to be received by the Harrison County Circuit Clerk's Office by 5 p.m. on November 26, 2018.
24. I plan to mail the ballot overnight if necessary. It will cost approximately \$25 to mail the ballot.
25. As of November 21, 2018, I have not received my absentee application or ballot in the mail.

26. I have voted for a long time, since I became old enough to vote. I am eager to vote in the November 27 runoff election.

27. I may have to vote absentee in the future because I visit Maine from time to time as my daughter lives there.

28. Voting in the November 27, 2018 runoff election is important to me and I am disappointed at how difficult it has been to navigate the absentee process.

29. With less than one week left before the absentee ballot deadline and the Thanksgiving holidays, I fear that there is too little time between now and the runoff election to receive an application in the mail, mail my application to the Circuit Clerk, wait to receive my absentee ballot in the mail, and return my absentee ballot before the Monday, 5 p.m. deadline on November 26.

30. I declare under penalty of perjury that the foregoing is true and correct. Executed on this 20th day of November, 2018 in Boston, Massachusetts.

Dated: 11/21/18

Julianne Haber  
(signature)

Julianne Haber  
(printed name)

## **Exhibit C**



LAWYERS' COMMITTEE FOR  
**CIVIL RIGHTS**  
UNDER LAW

1500 K Street, NW  
Suite 900  
Washington, DC 20005

Tel: 202.662.8600  
Fax: 202.783.0857  
[www.lawyerscommittee.org](http://www.lawyerscommittee.org)

November 16, 2018

Delbert Hosemann  
Mississippi Secretary of State  
401 Mississippi Street  
P.O. Box 136  
Jackson, MS 39205

**VIA ELECTRONIC MAIL & FACSIMILE**

Dear Secretary Hosemann:

We are writing on behalf of the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee"), a non-partisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combatting racial discrimination and the resulting inequality of opportunity. The Lawyers' Committee leads the nation's largest non-partisan voter protection effort, the Election Protection program, and is deeply committed to ensuring that all eligible voters have an equal opportunity to participate in the electoral process. The Election Protection coalition includes more than 100 local, state and national partners and its hotline (866-OUR-VOTE) fields tens of thousands of calls from voters every election. We work with a team of non-partisan voting rights attorneys and other voting rights specialists who have decades of experience with state and federal election laws.

We are writing to express grave concern regarding Mississippi's procedures for requesting, accessing, and obtaining absentee ballots which impose unreasonable, burdensome and costly restrictions on voters. We are particularly concerned about the impact on those voters who seek to vote by absentee ballot in the upcoming November 27<sup>th</sup> runoff election. Indeed, we have recently received calls to our Election Protection hotline from Mississippi voters at risk of being disenfranchised in the upcoming November 27<sup>th</sup> runoff election. We believe that the procedures for the runoff election risk disenfranchising Mississippi voters.

As you know, because election results are being certified today, circuit clerks will likely issue absentee ballots on Monday. Assuming mail service is fast and there are no delays, under a best case scenario, Mississippi voters who





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are out-of-state will receive their ballots by Wednesday or Friday, November 23<sup>rd</sup> (because Thursday is Thanksgiving, and the federal government – including postal services – is closed). Out-of-state voters must then receive their mail, review their ballot, and place the ballot back in the mail so that it is *received* by 5pm on Monday the 26<sup>th</sup>. This will be impossible for most voters unless they pay to overnight their ballot – a service that costs approximately \$24<sup>1</sup> and which many Mississippians will be unable to afford. And all this assumes that they will have received the ballots by Monday, itself a proposition not entirely free of doubt.

We therefore request that you take immediate action to remedy this situation, which could lead to the loss of Mississippians' fundamental right to vote by taking the following actions:

- Extend the deadline by which absentee ballots may be cast in order to be counted, to any absentee ballot *postmarked* by Tuesday, November 27<sup>th</sup>.<sup>2</sup>
- Issue immediate guidelines allowing requests for absentee ballots to be made via email, in addition to by mail, telephone, and in person.

Many of these concerns extend beyond the runoff election and also relate to regular elections, but, for present purposes, given the exigency of the situation, we ask that these steps be taken immediately for the November 27 runoff election.<sup>3</sup>

<sup>1</sup> <https://www.usps.com/ship/priority-mail-express.htm>.

<sup>2</sup> Per the Secretary of State's website, the Secretary's Elections Division has "many roles in assuring that Mississippians' voices are heard clearly through the election process. These roles include training elections officials, collecting campaign finance and lobbying reports, managing the statewide voter registry, collecting election returns and assisting local election officials in carrying out their election related responsibilities." This and Mississippi law make clear that the Secretary of State is responsible for and has authority to remedy the issues outlined in this letter. See Miss. Code Ann. § 25-43-2.104, MS AG Op. Ivy (June 1, 2007), 2007 WL 2019787 and <http://www.sos.ms.gov/links/elections/home/tab5/StateHAVAPlanFinal.pdf>. In the 2018 primary election, the Secretary of State extended the UOCAVA absentee ballot deadline to Thursday, June 7, 2018, for four individual voters in Adams County because the County had mailed their ballots after the required 45-day deadline of April 21, 2018. The Secretary of State ordered Adams County to count those ballots in the primary election. Miss. Admin. Code Pt. 10, R. 4.4.

<sup>3</sup> Furthermore, as you know, circuit clerks are required to be open this Saturday for voting under Miss. Code Ann. § 23-15-653. However, because the clerks may not have ballots printed yet (as the election is being certified today), we request that, until such time as the runoff ballots are ready and available at clerks' offices, the clerks follow UOCAVA voting procedures and temporarily provide voters with ballots from the November 6<sup>th</sup> election. All races not involved in the runoff can be redacted.



LAWYERS' COMMITTEE FOR  
**CIVIL RIGHTS**  
U N D E R L A W

1500 K Street, NW  
Suite 900  
Washington, DC 20005

Tel: 202.662.8600  
Fax: 202.783.0857  
[www.lawyerscommittee.org](http://www.lawyerscommittee.org)

Exercising one's fundamental right to vote should not be difficult or costly. We ask that you act immediately to avoid disenfranchising Mississippi voters and that you provide us with a response, detailing the steps you have taken and will take, by noon on Monday. If we do not hear from you, or if it is not clear you are taking substantive, immediate steps to remedy the issues outlined above, we will assume you will continue to use procedures which threaten Mississippians' voting rights.

Please contact Arusha Gordon, Counsel for the Voting Rights Project at the Lawyers' Committee for Civil Rights Under Law at [agordon@lawyerscommittee.org](mailto:agordon@lawyerscommittee.org) or 202-662-8306 with your response.

Thank you,

Arusha Gordon  
Counsel, Voting Rights Project  
Lawyers' Committee for Civil Rights Under Law  
1500 K Street NW, Suite 900  
Washington, D.C. 20005  
Telephone: (202) 662-8306  
General Fax: (202) 783-0857  
[agordon@lawyerscommittee.org](mailto:agordon@lawyerscommittee.org)

Beth L. Orlansky  
Advocacy Director  
Mississippi Center for Justice  
5 Old River Place, Suite 203  
Jackson, MS 39202  
Telephone: (769) 230-2838  
[borlansky@mscenterforjustice.org](mailto:borlansky@mscenterforjustice.org)





DELBERT HOSEMAN  
*Secretary of State*

November 20, 2018

*Via E-Mail Only: [agordon@lawyerscommittee.org](mailto:agordon@lawyerscommittee.org)*

Arusha Gordon  
Counsel, Voting Rights Project  
Lawyers' Committee for Civil Rights Under Law  
1500 K Street NW, Suite 900  
Washington, D.C. 20005

Dear Ms. Gordon:

Reference is hereby made to your correspondence dated November 16, 2018, received by our office via facsimile and electronic mail.

The office of the Secretary of State is without the legal authority to extend the deadline by which absentee ballots may be returned by mail or to allow voters, other than those specifically defined by Section 23-15-673, Miss. Code Ann., to return voted absentee ballots by electronic means, such as by email and facsimile. Section 23-15-701, Miss. Code Ann., grants to the Secretary of State the ability to adopt administrative rules only to ensure Mississippi's compliance with the Uniformed and Overseas Citizens Absentee Voting Act, and emergency powers "concerning absentee voting and registration of military personnel."

The Secretary of State has neither emergency power nor the ability to adopt any administrative rule by which to extend the deadline of absentee voting other than that specifically related to UOCAVA and the MOVE Act.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kimberly P. Turner", is written over a faint circular stamp.

Kimberly P. Turner  
Assistant Secretary of State, Elections Division

cc: Beth L. Orlansky (via email only: [borlansky@mscenterforjustice.org](mailto:borlansky@mscenterforjustice.org))

## **Exhibit D**

**DECLARATION OF BARBARA O'NEIL**

Pursuant to 28 U.S.C. § 1746, I, Barbara O'Neil, hereby declare as follows:

1. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.
2. I am 87 years of age and am otherwise competent to testify. I am a permanent resident of Hinds County, Mississippi.
3. I am registered to vote in Mississippi and otherwise meet the qualifications for voting. I am over the age of 18, a U.S. citizen, and have lived in Mississippi for more than 30 days.
4. My permanent residence and domicile for purposes of voter registration is 1704 Wilhurst Street, Jackson, MS 39211. I also currently reside at this address.
5. I voted in person without incident in Hinds County, MS in on-year and off-year elections since 2004.
6. For the November 6 general election, I voted in person at my designated polling place.
7. On or about November 7, 2018, I learned that I would be out of town in the days leading up to the runoff election and would need to vote absentee by mail. I am currently visiting family in Tennessee and will not be in Hinds County on Election Day.
8. The November 2018 runoff election is the first election that I have requested an absentee ballot.
9. On November 14, 2018, I called the Hinds County Elections Commission to request an absentee ballot for the runoff election. The Election Commission referred me to the Hinds County Circuit Clerk's office in Jackson, MS.

10. I called the phone number provided by the Election Commission, and received a pre-recorded message saying that the number I dialed was a wrong number.
11. I called the Election Commission again, who gave me the phone number for the Raymond office of the Hinds County Circuit Clerk.
12. The representative from the Clerk's office informed me that the absentee ballots were not ready yet, but that she could mail an absentee ballot application to me.
13. She said that I would need to complete the application and mail it back to the Clerk's Office. Then the Clerk will mail the absentee ballot, and I will have to complete my ballot and mail it back to the Clerk's office.
14. I asked if there was an absentee ballot application form online, and the representative said no, and that I would need to mail back my absentee ballot application.
15. I also told the representative that I was concerned that it would take many days to complete the entire process.
16. I then provided my name and address to the representative so that the Clerk's office would mail the application.
17. I also confirmed that I needed to have the application form notarized, and the representative agreed.
18. On the morning of November 16, I called the non-working number I had received on November 14 to confirm that it was a wrong number.
19. I spoke with a representative from the Hinds County Circuit Clerk's office in Jackson, MS, and asked for an absentee ballot application to make sure that I would receive one.

20. I also told the representative that I had called this number before and it said this was a wrong number. I asked the representative if she was aware of this, and she said that she was aware of this problem but did not know the cause.
21. On the afternoon of November 16, 2018, I received my absentee ballot application that I requested from the Raymond office of the Hinds County Circuit Clerk's office.
22. The absentee ballot application reason was already marked when I received the application. It stated that the reason I was requesting an absentee ballot was that I have a temporary or permanent physical disability. This information is incorrect.
23. On the afternoon of November 19, I received a new absentee ballot application.
24. I contacted the Hinds County Circuit Clerk's office on November 20 to ask for further clarification on where I should sign my name and the notarization requirement for the application. It was unclear to both me and the first notary that I presented the application to if she is permitted to sign above where it says, "official authorized to administer oaths for absentee balloting."
25. I contacted the Hinds County Circuit Clerk's office to determine if a notary is permitted to sign above where it says, "official authorized to administer oaths for absentee balloting."
26. The representative I spoke with informed me that a notary could sign where it asks for the deputy clerk to sign the application.
27. I took my absentee ballot application to another notary, who signed my application where it says "official authorized to administer oaths for absentee balloting."
28. I have completed and mailed my application via priority mail with the hope that I can receive a ballot in time to vote in the runoff election.

29. As of November 20, I have not received an absentee ballot.

30. Voting in the November 27, 2018 runoff election is important to me and I am very disappointed at how difficult it has been to navigate the absentee process.

31. With less than one week left before the absentee ballot deadline and the Thanksgiving holidays, I fear that there is too little time between now and the runoff Election to receive an application in the mail, complete, notarize, and mail my application to the County Board, wait to receive my absentee ballot in the mail, and complete, notarize, and return my absentee ballot before the Monday, 5 p.m. deadline on November 26.

32. I declare under penalty of perjury that the foregoing is true and correct. Executed on this 21<sup>st</sup> day of November, 2018 in Memphis, TN.

Dated: November 21, 2018

Barbara O'Neil  
(signature)

Barbara O'Neil  
(printed name)

## **Exhibit E**

### DECLARATION OF COREY WIGGINS

Pursuant to 28 U.S.C. § 1746, I, Corey Wiggins, declare:

1. I am the executive director of the Mississippi State Conference of the NAACP (hereinafter, MS NAACP). I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.
2. The MS NAACP is a plaintiff in this action and is a non-partisan, interracial, nonprofit membership organization.
3. The mission of the MS NAACP is to eliminate racial discrimination through democratic processes and ensure the equal political, educational, social and economic rights of all persons, in particular African-Americans.
4. The MS NAACP is headquartered in Jackson, Mississippi and currently consists of 112 units, which include branches, college chapters, and youth councils with a revolving membership of over 11,000 members across the state and at least 1 member in 74 of the 82 counties in Mississippi.
5. The MS NAACP works to protect voting rights through litigation, advocacy, legislation, communication and outreach. A considerable amount of our work and resources are devoted to promoting voter registration, voter education, get-out-the-vote efforts, election protection and census participation.
6. The MS NAACP, along with its branches, regularly conducts voter registration drives and other activities to help Mississippians vote absentee or in person throughout Mississippi. As a result of this work, the MS NAACP and its branches have helped numerous eligible citizens, including its members and non-members, to register to vote and request absentee ballots.



7. Mississippi absentee balloting procedures pose serious burdens to MS NAACP's members and other Mississippians wishing to vote absentee.

8. As a result, the MS NAACP and its branches are forced to divert resources, including staff and volunteer time and money, to educating prospective voters about this scheme and helping them navigate the procedures so that they understand that unless they meet the many requirements (e.g., notarizing the absentee ballot request form and ballot, returning the ballot before election day, etc.), their vote will not be counted.


9. MS procedures caused particular problems for your org and members because of the short time period and the Thanksgiving holiday

10. Unless the Court grants Plaintiffs' emergency motion for a temporary restraining order and preliminary injunctive relief, otherwise eligible voters may be disenfranchised.

11. I expect that the MS NAACP and our branches will continue to experience similar negative impacts upon our voter engagement programs in future elections under the current scheme and we will continue to suffer the diversion of our limited resources unless the Court grants the remedial relief sought by Plaintiffs.

12. I declare that the foregoing is true and correct under penalty of perjury, except to those matters stated upon information and belief, and as to those matters, I am informed and believe them to be true and correct. Executed this 21 day of November 2018 at

Jackson, Mississippi.

  
\_\_\_\_\_  
Corey Wiggins, Executive Director  
Mississippi State Conference of the NAACP

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

BARBARA O'NEIL, ET AL.

(b) County of Residence of First Listed Plaintiff HINDS COUNTY, MS  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

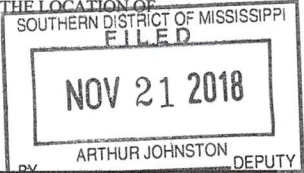
**DEFENDANTS**

DELBERT HOSEMANN, in his Official Capacity as Sec. of the State of Mississippi, et al.

County of Residence of First Listed Defendant HINDS COUNTY, MS  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1331 and 1343 and 2201 and 2202 and 42 U.S.C. 1983

Brief description of cause:

Challenge to the Absentee Ballot Law as a burden to vote

**VII. REQUESTED IN COMPLAINT:**

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/21/2018

SIGNATURE OF ATTORNEY OF RECORD

*Carroll Woods*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

34643052695