

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

AMERICAN CIVIL RIGHTS UNION,)
in its individual and corporate capacities,)

Plaintiff,)

v.)

NOXUBEE COUNTY, MISSISSIPPI)
ELECTION COMMISSION,)

Defendant.)

_____)

Civil Action No. 3:15-cv-815-WHB-JCG

ORDER

Plaintiff filed this action pursuant to Section 8 of the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20507, to enforce obligations concerning voter registration lists maintenance efforts in elections for federal offices. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 52 U.S.C. § 20510.

Defendant is covered by the requirements of Section 8 of the NVRA with respect to elections for federal office and is obliged to maintain voter rolls in Noxubee County, Mississippi.

Plaintiff alleged that Defendant conducted list maintenance that allowed the voter rolls to include more people registered to vote than there were citizens of voting age population in Noxubee County according to available census data, and that this problem has persisted for several election cycles. As a result, Plaintiff claimed Defendant violated the registration list maintenance obligations under Section 8 of the NVRA, 52 U.S.C. § 20507. Defendant denies

C. Registrants Who No Longer Reside in Noxubee County – Other

Registrants who confirm in writing that they are no longer residents of Noxubee County will be removed from the voter rolls pursuant to 52 U.S.C. §20507(d)(1)(A). This includes registrants who, in response to a jury summons, indicate that they are no longer residents of the county. This also includes any registrant who has declared a homestead exemption in another county. Comparisons of the registration rolls with data indicating who is no longer a resident may be conducted by retaining the services of a commercial data vendor and/or through the oversight and involvement of the Mississippi Secretary of State's Office. This paragraph is subject to the Reporting Requirement and such reports shall be provided by September 1, 2017.

D. Report on Countywide Mailing

On or before September 30, 2018, Defendant shall provide counsel for Plaintiff information in writing that identifies the number of voters who were identified as potentially ineligible through use of the measures set forth above, *supra*, the number of voters actually removed from the registration database, and the total number of voters placed on inactive status after confirmation mailings. The data will be provided in concise summary form and will provide the aforementioned information.

E. National Change of Address Database Updates

Defendant shall obtain access to the United States Postal Service National Change of Address Database through the Statewide Election Management System (SEMS) and follow the procedure described in Paragraph B on a biennial basis. This regular list maintenance is subject to the Reporting Requirement through the duration of this Order.

F. Written Procedures

Defendant shall have procedures to implement standard list maintenance procedures

across possible changes in Election Commissioners, Circuit Clerk staff, and other personnel. Defendant shall provide a copy of these written procedures and any updates to parties described in the Reporting Requirement. More specifically, Defendant shall follow “Guidelines for Voter Roll Maintenance” published by the Mississippi Secretary of State and any updates thereto.

G. Retention and Availability of List Maintenance Records

Defendant shall retain voter registration and list maintenance records related to the items set forth in this Order for the time periods provided in 52 U.S.C. §§ 20507(i) and 20701. This will include all materials and documents necessary to the list maintenance obligations under the NVRA and state law. Defendant shall provide Plaintiff access to list maintenance records, subject to availability pursuant to the NVRA, upon reasonable notice.

H. Costs

Each party shall bear its own costs and attorneys’ fees with regard to actions taken by the parties up to and including the entry of this Order and subsequent thereto.

I. Binding Nature of Order

This Order is binding on the Noxubee County Election Commission, their successors in office, employees, representatives, delegates, agents, assigns, and all persons acting on their behalf, to the extent permitted by law or required by this Order.

J. Reporting Requirement.

Some provisions of this Order are subject to a Reporting Requirement. When data or actions are subject to this Reporting Requirement, Defendant shall provide a copy of any required report to the Plaintiff, to the Chairman of the Noxubee County Board of Supervisors, and to the Chair of the Noxubee County Democratic Executive Committee and

that there has been any violation of Section 8 of the NVRA, 52 U.S.C. § 20507. This decree is entered into by the parties to settle the dispute without prolonged and costly litigation.

Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED that:

A. Registrants Who No Longer Reside in Noxubee County – Other

The Defendant shall continue to follow the directives and programs implemented by the Mississippi Secretary of State to identify registrants who have died. The Defendant shall continue to utilize records from the Mississippi Department of Health for purposes of identifying deceased registrants currently on the registration rolls. Registrants identified as having died shall be removed from the lists of eligible voters pursuant to 52 U.S.C. §20507(a)(4)(A).

B. Countywide Mailing

On or before April 15, 2017, Defendant shall conduct a countywide mailing, via first class mail, to all active and inactive registrants as described below who have not cast a ballot since January 1, 2011. To wit, Defendant shall mail a notice pursuant to 52 U.S.C. §20507(d)(2) that contains a postage prepaid and preaddressed return card sent by forwardable mail, on which the registrant may state their current address. The notice shall contain the language contained in 52 U.S.C. §20507(d)(2)(A) and 52 U.S.C. §20507(d)(2)(B). In conformity with 52 U.S.C. §20507(d)(1)(B), Defendant shall remove from the rolls all registrants who have failed to respond to the notice described above (52 U.S.C. §20507(d)(1)(B)(i)) and have not voted or appeared to vote in two federal general elections after the notice was sent (52 U.S.C. §20507(d)(1)(B)(ii)). This paragraph is subject to the Reporting Requirement and such reports shall be provided by September 1, 2017.

the Chair of the Noxubee County Republican Executive Committee.

This decree shall remain in effect until February 1, 2018.

SO ORDERED this the _____ day of _____, 2017.

United States District Judge

APPROVED BY:

NOXUBEE COUNTY, MISSISSIPPI
ELECTION COMMISSION



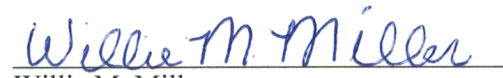
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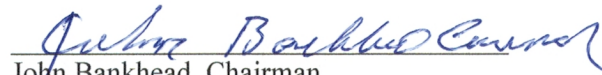
Essie Brooks



Lavelle Rice

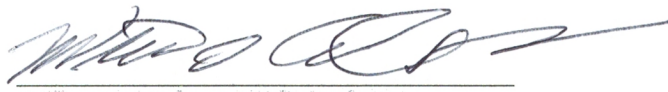


Willie M. Miller



John Bankhead, Chairman

APPROVED BY:



Wilbur O. Colom (MSB # 6403)
*Attorney for Noxubee County,
Mississippi Election Commission*

APPROVED BY:

AMERICAN CIVIL RIGHTS UNION

BY:

HENRY ROSS, Attorney for ACRU
MSB: No. 5687
P.O. Drawer B
Eupora, MS 39744-0991
662-552-5603