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

DYAMONE WHITE; DERRICK SIMMONS; TY PINKINS; CONSTANCE OLIVIA SLAUGHTER HARVEY-BURWELL — **PLAINTIFFS**

VS. — **CIVIL ACTION NO. 4:22-cv-00062-SA-JMV**

STATE BOARD OF ELECTION COMMISSIONERS; TATE REEVES ***in his official capacity as Governor of Mississippi*****; LYNN FITCH** ***in her official capacity as Attorney General of Mississippi*****; MICHAEL WATSON** ***in his official capacity as Secretary of State of Mississippi*** — **DEFENDANTS**

DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR JUDICIAL NOTICE

Defendants State Board of Election Commissioners, Tate Reeves, in his official capacity as Governor of Mississippi, Lynn Fitch, in her official capacity as Attorney General of Mississippi, and Michael Watson, in his official capacity as Secretary of State of Mississippi (hereinafter collectively "Defendants"), by and through counsel, file this their response to *Plaintiff's Motion for Judicial Notice* [Dkt. #258], and in support thereof would show unto the Court the following:

1. Consistent with the governing standard of inquiry in this Section 2 Voting Rights Act case, the Court should take judicial notice of the entirety of the 2024 Mississippi Supreme Court Central District General Election results—not just the vote counts for Kitchens and Branning as requested by Plaintiffs. Viewed in their entirety, the 2024 Central District election results do not support a violation of Section 2. To the contrary, they reaffirm that black voters in the Central

District have an equal opportunity to participate in the political process and elect Supreme Court Justices of their choice.

2. Defendants adopt and incorporate by reference, as if fully and completely set forth herein, the arguments and authorities set forth in the *Memorandum of Authorities in Support of Defendants' Response to Plaintiffs' Motion for Judicial Notice*, being filed contemporaneously herewith.

3. On the basis of the grounds asserted herein and as further set forth in the aforementioned memorandum of authorities, the Court should take judicial notice of the entirety of the 2024 Central District General Election results; reject any notion that the 2024 Supreme Court elections are probative of any Section 2 violation; and proceed to enter judgment for Defendants.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that the Court make and enter its Order taking judicial notice of the entirety of the 2024 Central District General Election results—*viz.*, the names, vote totals, and vote percentages of all five candidates [Dkt. #258-1 at 3]—in addition to those facts sought to be judicially noticed by Plaintiffs.

THIS the 23rd day of January, 2025.

Respectfully submitted,

STATE BOARD OF ELECTION COMMISSIONERS, TATE REEVES, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF MISSISSIPPI, LYNN FITCH, IN HER OFFICIAL CAPACITY AS ATTORNEY GENERAL OF MISSISSIPPI, AND MICHAEL WATSON, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE OF MISSISSIPPI, DEFENDANTS

By: LYNN FITCH, ATTORNEY GENERAL
STATE OF MISSISSIPPI

By: s/Rex M. Shannon III
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ATTORNEYS FOR DEFENDANTS STATE BOARD OF ELECTION COMMISSIONERS, TATE REEVES, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF MISSISSIPPI, LYNN FITCH, IN HER OFFICIAL CAPACITY AS ATTORNEY GENERAL OF MISSISSIPPI, AND MICHAEL WATSON, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE OF MISSISSIPPI

CERTIFICATE OF SERVICE

I, Rex M. Shannon III, Special Assistant Attorney General and one of the attorneys for the above-named State Defendants, do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing via the Court's ECF filing system, which sent notification of such filing to all counsel of record.

THIS the 23rd day of January, 2025.

s/Rex M. Shannon III
REX M. SHANNON III