

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

**JOHN ROBERT SMITH, SHIRLEY HALL
AND GENE WALKER**

PLAINTIFFS

VS.

Civil Action No. 3:01-cv-855-HTW-DCB-EGR

**DELBERT HOSEMANN, Secretary of State of
Mississippi; JIM HOOD, Attorney General for the State of
Mississippi; HALEY BARBOUR,
Governor of the State of Mississippi; MISSISSIPPI
REPUBLICAN EXECUTIVE COMMITTEE; and
MISSISSIPPI DEMOCRATIC EXECUTIVE
COMMITTEE**

DEFENDANTS

and

**BEATRICE BRANCH, RIMS BARBER,
L.C. DORSEY, DAVID RULE,
JAMES WOODWARD, JOSEPH P. HUDSON,
and ROBERT NORVEL
INTERVENORS**

CONSOLIDATED WITH

KELVIN BUCK, ET AL.

PLAINTIFFS

VS.

Civil Action No. 3:11-cv-717-HTW-LRA

HALEY BARBOUR, ET AL.

DEFENDANTS

ORAL ARGUMENT REQUESTED

RESPONSE OF THE PLAINTIFFS, KELVIN BUCK, THOMAS PLUNKETT, JEANETTE SELF, CHRISTOPHER TAYLOR, JAMES CROWELL, CLARENCE MAGEE, AND HOLLIS WATKINS, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED, OPPOSING THE MOTION OF THE DEFENDANT, REPUBLICAN PARTY EXECUTIVE COMMITTEE, TO VACATE INJUNCTION AND FOR OTHER RELIEF

COME NOW the plaintiffs, Kelvin Buck, Thomas Plunkett, Jeanette Self, Christopher Taylor, James Crowell, Clarence Magee, and Hollis Watkins, on behalf of themselves and all others similarly situated (“the Buck plaintiffs”), pursuant to Fed. R. Civ. P. 60(b)(5), and files their response opposing the defendant’s, the Mississippi Republican Executive Committee’s (“the Republican Party’s”), motion to vacate injunction and for other relief filed on January 24, 2022. [Doc. No. 143]. The Republican Party requests the Court (1) to establish a procedure and schedule to vacate the injunction contained in the final judgment entered by the Court on December 30, 2011¹ and (2) to consider whether the redistricting plan adopted by the Mississippi Legislature and signed by the Governor in 2022, Miss. Gen. Laws Ch. ____ (H.B. 384) (“the State Plan”), satisfies all federal and state statutory and constitutional requirements. The Buck plaintiffs respond to the Republican Party’s motion as follows:

1. On February 26, 2002, this Court entered a final judgment enjoining the use of Mississippi’s then existing five congressional districts scheme because the number of congressional districts had been reduced from five to four after the 2000 Decennial Census.

2. The Court ordered the defendants to implement the Court’s congressional redistricting plan adopted on February 4, 2002 for all future congressional primary and general elections until the State of Mississippi produced “a constitutional congressional redistricting plan that had been precleared in accordance with the procedures in Section 5 of the Voting Rights Act

¹ The final judgment is filed as Doc. No. 128.

of 1965.” *Smith v. Hosemann*, 852 F. Supp.2d 757, 759 (S. D. Miss. 2011) (three-judge court).

3. Importantly, the Court retained “jurisdiction to implement, enforce, and amend [its] order as shall be necessary and just.” *Id.*

4. On September 12, 2011, the Republican Party filed a motion, pursuant to Fed. R. Civ. P. 60(b)(5), requesting the Court to amend its 2002 final judgment on grounds that the judgment prospectively was no longer equitable. The Republican Party asserted that the Mississippi Legislature had not produced a constitutionally acceptable and precleared congressional redistricting plan for use in the 2012 congressional elections. The 2010 Decennial Census revealed that the then existing congressional districts were malapportioned.

5. On November 21, 2011, the Buck plaintiffs, African American voters representing each of the State’s four congressional districts, filed a class action complaint seeking equitable relief since the existing congressional districts were malapportioned. The Court referred to this set of plaintiffs as the “Buck plaintiffs.” On December 19, 2011, the Court consolidated the Buck plaintiffs’ case with the 2001 lead case filed by the “Smith” plaintiffs in 2001.

6. On December 30, 2011, the Court entered its opinion and final judgment holding (1) that the Court had jurisdiction, pursuant to Fed. R. Civ. P. 60(b)(5), to amend its February 26, 2002 final judgment; (2) that the existing congressional districting plan was unconstitutionally malapportioned; and (3) the remedy for that malapportionment was the use of the existing plan, “with only such modifications as were necessary to equalize the population among the four districts.” *Smith v. Hosemann*, supra, at 764. The Court then modified the 2002 redistricting plan and ordered use of the new modified plan in the 2012 and all future congressional elections.

7. The Buck plaintiffs agree with the Republican Party that the Court’s opinion and final judgment entered on December 30, 2011 “enjoins all defendants to conduct congressional elections in Mississippi according to a four-district plan [drawn by the Court] until such time as

the State of Mississippi produces a constitutional congressional redistricting plan that is precleared in accordance with the procedures in Section 5 of the Voting Rights Act of 1965.” [Doc. No. 128 at 2].

8. The Buck plaintiffs also agree that the defendants remain bound to obey the injunction issued by this Court on December 30,2011 until the Court orders otherwise.

9. The Buck plaintiffs agree that the 2020 Decennial Census reveals that the current congressional districts are unconstitutionally malapportioned.²

10. The Buck plaintiffs agree that the Legislature and Governor enacted a four-district congressional plan - the State Plan in 2022. However, the plan was crafted for a racially discriminatory purpose, constitutes a racial gerrymander in violation of the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment to the United States Constitution, and violates Section 2 of the Voting Rights Act of 1965 (“the VRA”).³

11. The Buck plaintiffs disagree that the Court should vacate its final judgment. Instead, the Court should amend its final judgment and injunction by enjoining use of the current districting scheme since it is unconstitutionally malapportioned.⁴ The Court should also enjoin use of the Mississippi Legislature’s redistricting scheme because it was crafted for a racially discriminatory purpose,⁵ constitutes a racial gerrymander, and violates Section 2 of the VRA. The Court should also issue a new prospective injunction requiring the defendants to use the alternative

² According to the 2020 Decennial Census, Mississippi has a total population of 2,961,279 persons. Each congressional district should contain an ideal population of 740,320 persons. Mississippi’s Second Congressional District needs to gain 65,829 persons in order to have an ideal population, and the state’s Fourth Congressional District needs to lose 37,196 persons in order to have an ideal population. The total range of population deviation percentage in the state’s current districting scheme is 13.92%. In order to comply with the equal population requirements of Article 1, Clause 2 of the United States Constitution, the Mississippi Legislature is required to make a good faith effort to achieve precise mathematical equality of the population among the state’s congressional districts. *Karcher v. Daggett*, 462 U. S. 725 (1983); *Kirkpatrick v. Preisler*, 394 U. S. 526 (1969).

³ 52 U. S. C. Sec. 10301.

⁴ A copy of the current congressional districting plan implemented by the Court on December 30,2011 is attached as Exhibit “A” and incorporated herein.

⁵ A copy of the State Plan is attached as Exhibit “B” and incorporated herein.

redistricting plan submitted to the Mississippi Joint Congressional Redistricting and Legislative Reapportionment Committee (“the Joint Committee”) on November 30, 2021 by the Mississippi State Conference of the NAACP (“the NAACP”),⁶ or a plan adopted by the Court.

12. The Republican Party seemingly argues that an evidentiary hearing is unnecessary in this case. The Buck plaintiffs disagree. An evidentiary hearing is necessary to determine whether the State Plan complies with the federal constitutional and statutory requirements as well as the requirements of state law and this Court’s final judgment.

13. On November 12, 2021, a notice was sent to all members of the Joint Committee informing them that the committee would meet in the New Capitol Building on November 19, 2021 to, *inter alia*, adopt criteria for congressional redistricting.⁷ The Joint Committee met on November 19, 2021 and adopted the following criteria for congressional redistricting: (a) “[d]istrict population should be as equal as practicable;” (b) each district should be contiguous; (c) the congressional plan should comply with all applicable federal and state laws “including Section 2 of the Voting Rights Act of 1965, as amended;” and (d) “[t]he Committee should consider the neutral redistricting factors employed by the Court in *Smith v. Hosemann*.”

14. The neutral redistricting factors employed by the Court in *Smith v. Hosemann* were: (a) compactness; (b) avoid splitting county and municipal boundaries; (c) preserve, as much as possible, historical and regional interests; (d) maintain the major universities and military bases in separate districts; (e) place growth areas in separate districts; (f) avoid pitting incumbents against each other; and (g) keep the distance of travel within districts “approximately the same as they were under the Court’s 2002 Plan.” *Smith v. Hosemann*, *supra*, at 766-767.

⁶ A copy of the NAACP Plan is attached as Exhibit “C” and incorporated herein. The NAACP Plan was submitted to the Joint Committee on November 30, 2021. The “Plan Type” listed in the Plan contains a clerical error. The Plan Type lists “SC Congressional Districts” instead of “Mississippi Congressional Districts.” The calculations in the entire Plan, including on the pages containing the Plan Type, are accurate.

⁷ A copy of the notice, with the redistricting criteria attached, sent to members of the Joint Committee is attached as Exhibit “D” and incorporated herein.

15. Although the Joint Committee adopted racially neutral criteria for congressional redistricting, the Committee impermissibly subordinated the criteria to racial considerations when it crafted its redistricting plan in 2022.

16. The NAACP submitted its proposed congressional redistricting plan to the Joint Committee on November 30, 2011. The NAACP Plan does not subordinate racially neutral criteria to racial considerations, and the plan satisfies all of the Joint Committee's criteria, including the racially neutral criteria listed in *Smith v. Hosemann*, supra.

17. Therefore, the Buck plaintiffs request an evidentiary hearing on the issue of whether the State Plan complies with the United States Constitution, Section 2 of the VRA, and the criteria adopted by the Joint Committee.

18. The Buck plaintiffs agree that the Court should establish a procedure to determine whether the defendants have produced a constitutional congressional redistricting plan that complies with Section 2 of the VRA.⁸

19. The Buck plaintiffs suggest that the Court invite parties and non-parties⁹ to submit objections to the State Plan and offer alternative plans for the Court to implement on an interim basis until the State of Mississippi enacts a plan that is constitutional and complies with Section 2 of the VRA. Since the congressional election process is underway with a candidate qualification deadline fast approaching, the Buck plaintiffs request that the Court enjoin the current plan, draft

⁸ Although this Court's December 30, 2011 order and final judgment required the State of Mississippi to produce a constitutional redistricting plan that has been precleared under Section 5 of the VRA, recent decisions of this Court have held that Mississippi is no longer required to obtain Section 5 preclearance of any voting changes. See *Thompson v. AG of Miss.*, 129 F. Supp.3d 430 (S.D. Miss. 2015) (three-judge court), later case, 2021 WL 3673108, 2021 U.S. Dist. LEXIS 155628 (2021). Nevertheless, any congressional redistricting plan must still comply with Section 2 of the VRA if the *Thornburg v. Gingles* preconditions exist and the totality of the circumstances indicate vote dilution impede the ability of minority groups to elect candidates of their choice. See *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399 (2006); *Cooper v. Harris*, 581 U.S. ___, 137 S. Ct. 1455 (2017); *Jordan v. Winter*, 604 F. Supp. 807 (N.D. Miss. 1984) (three-judge court).

⁹ The NAACP intends to file a separate lawsuit challenging the State Plan and offering an alternative plan or intervene in this case.

or adopt an interim plan that complies with all federal constitutional and statutory requirements to use for the 2022 elections, and schedule a trial or evidentiary hearing on the State Plan.

WHEREFORE, PREMISES CONSIDERED, the Buck plaintiffs respectfully request that the Court amend its order and final judgment entered on December 30, 2011 by: (1) enjoining use of the current congressional districting plan for congressional elections; (2) establish a schedule and procedure, including an evidentiary hearing or trial , for determining whether the State Plan is constitutional and/or violates Section 2 of the VRA; (3) extend the candidate qualification deadline and, if necessary, the primaries for congressional elections; or, alternatively, (4) order use of the NAACP Plan as an interim remedy while the Court conducts an evidentiary hearing, or the court fashion an interim plan; (4) allow congressional elections to proceed as scheduled; and (5), if the Court finds, after an evidentiary hearing, that the State Plan is unconstitutional and/or violates Section 2 of the VRA, then enjoin use of the State Plan until the Mississippi Legislature remedies the violation.

The Buck plaintiffs also request such other equitable and general relief to which they may be entitled.

This the 1st day of February, 2022.

**RESPECTFULLY SUBMITTED,
KELVIN BUCK, ET AL., on Behalf of
Themselves and All Others Similarly
Situated,
PLAINTIFFS**

By: /s/ Carroll Rhodes
CARROLL RHODES

CARROLL RHODES, ESQ., MSB # 5314
LAW OFFICES OF CARROLL RHODES
POST OFFICE BOX 588
HAZLEHURST, MISSISSIPPI 39083
TELEPHONE: (601) 894-4323
FACSIMILE: (601) 894-1451
e-mail: crhode@bellsouth.net

JOHN L. WALKER, ESQ., MSB # 6883
WALKER LAW GROUP, PC
1410 LIVINGSTON LANE, SUITE A
POST OFFICE BOX 22849
JACKSON, MISSISSIPPI 39225-2849
TELEPHONE: (601) 948-4589
FACSIMILE: (601) 354-2507
e-mail: jwalker@walkergrouppc.com

E. CARLOS TANNER, III, ESQ.
MSB NO. 102713
TANNER & ASSOCIATES, LLC
POST OFFICE BOX 3709
JACKSON, MISSISSIPPI 39207
TELEPHONE: (601) 460-1745
FACSIMILE: (662) 796-3509
e-mail: carlos.tanner@thetannerlawfirm.com

COUNSEL FOR PLAINTIFFS
KELVIN BUCK, ET AL., on Behalf of
Themselves and All Others Similarly Situated

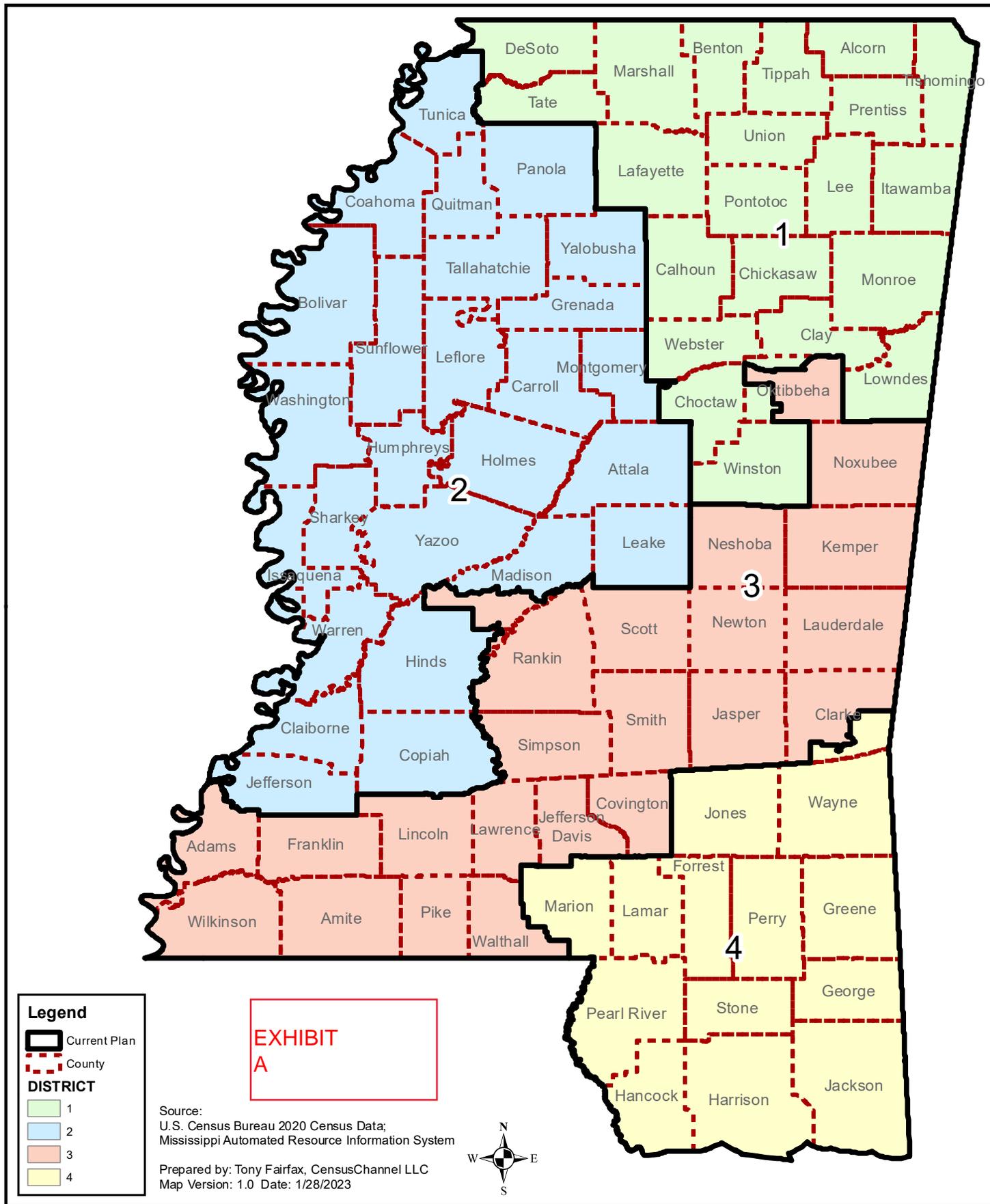
CERTIFICATE OF SERVICE

I, Carroll Rhodes, one of the attorneys for the Buck plaintiffs do hereby certify that I have this date filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record with PACER/ECF.

This the 1st day of February, 2022.

/s/ Carroll Rhodes
CARROLL RHODES

Mississippi Congressional Districts Current Plan



User:

Plan Name: MS CD 2020 Current Plan Report

Plan Type: Congress

Population Summary

Friday, January 28, 2022

2:45 PM

District	Population	Deviation	% Devn.	[% H18+ _Pop]	[% NH18+ _Wht]	[% NH18+ _Blk]	[% LATCVAP19]	[% WHTCVAP19]	[% BLKCVAP19]
1	758,233	17,913	2.42%	3.06%	66.57%	26.68%	1.76%	69.44%	27.61%
2	674,491	-65,829	-8.89%	2.05%	33.15%	62%	1.19%	33.17%	64.75%
3	751,039	10,719	1.45%	2.41%	60.31%	33%	1.05%	61.88%	35.24%
4	777,516	37,196	5.02%	4.39%	68.06%	21.97%	2.69%	72%	22.97%

Total Population: 2,961,279

Ideal District Population: 740,320

Summary Statistics:

Population Range: 674,491 to 777,516

Ratio Range: 0.15

Absolute Range: -65,829 to 37,196

Absolute Overall Range: 103,025

Relative Range: -8.00% to 5.02%

Relative Overall Range: 13.92%

Absolute Mean Deviation: 32,914.25

Relative Mean Deviation: 4.45%

Standard Deviation: 39,219.80

User:

Plan Name: MS CD 2020 Current Plan Report

Plan Type: Congress

Population Summary

Tuesday, November 23, 2021

3:03 PM

District	Population	Deviation	% Devn.	[Dist Area]
1	758,233	17,913	2.42%	10,732
2	674,491	-65,829	-8.89%	15,926
3	751,039	10,719	1.45%	12,896
4	777,516	37,196	5.02%	8,909

Total Population: 2,961,279

Ideal District Population: 740,320

Summary Statistics:

Population Range: 674,491 to 777,516

Ratio Range: 0.15

Absolute Range: -65,829 to 37,196

Absolute Overall Range: 103,025

Relative Range: -8.00% to 5.02%

Relative Overall Range: 13.92%

Absolute Mean Deviation: 32,914.25

Relative Mean Deviation: 4.45%

Standard Deviation: 39,219.80

User:

Plan Name: MS CD 2020 Current Plan

Plan Type: Congress

Measures of Compactness Report

Saturday, January 29, 2022

5:10 PM

	Reock	Polsby-Popper	Area/Convex Hull
Sum	N/A	N/A	N/A
Min	0.26	0.15	0.63
Max	0.54	0.40	0.88
Mean	0.41	0.26	0.78
Std. Dev.	0.12	0.13	0.11

District	Reock	Polsby-Popper	Area/Convex Hull
1	0.47	0.34	0.81
2	0.38	0.15	0.78
3	0.26	0.16	0.63
4	0.54	0.40	0.88

Measures of Compactness Report

MS CD 2020 Current Plan

Measures of Compactness Summary

Reock	The measure is always between 0 and 1, with 1 being the most compact.
Polsby-Popper	The measure is always between 0 and 1, with 1 being the most compact.
Area / Convex Hull	The measure is always between 0 and 1, with 1 being the most compact.

User:

Plan Name: MS CD 2020 Current Plan

Plan Type: Congress

Political Subdivision Splits Between Districts

Tuesday, November 23, 2021

2:28 PM

Number of subdivisions not split:

County	78
Voting District	1,825

Number of subdivisions split into more than one district:

County	4
Voting District	9

Number of splits involving no population:

County	0
Voting District	3

Split Counts

County

Cases where an area is split among 2 Districts: 4

Voting District

Cases where an area is split among 2 Districts: 9

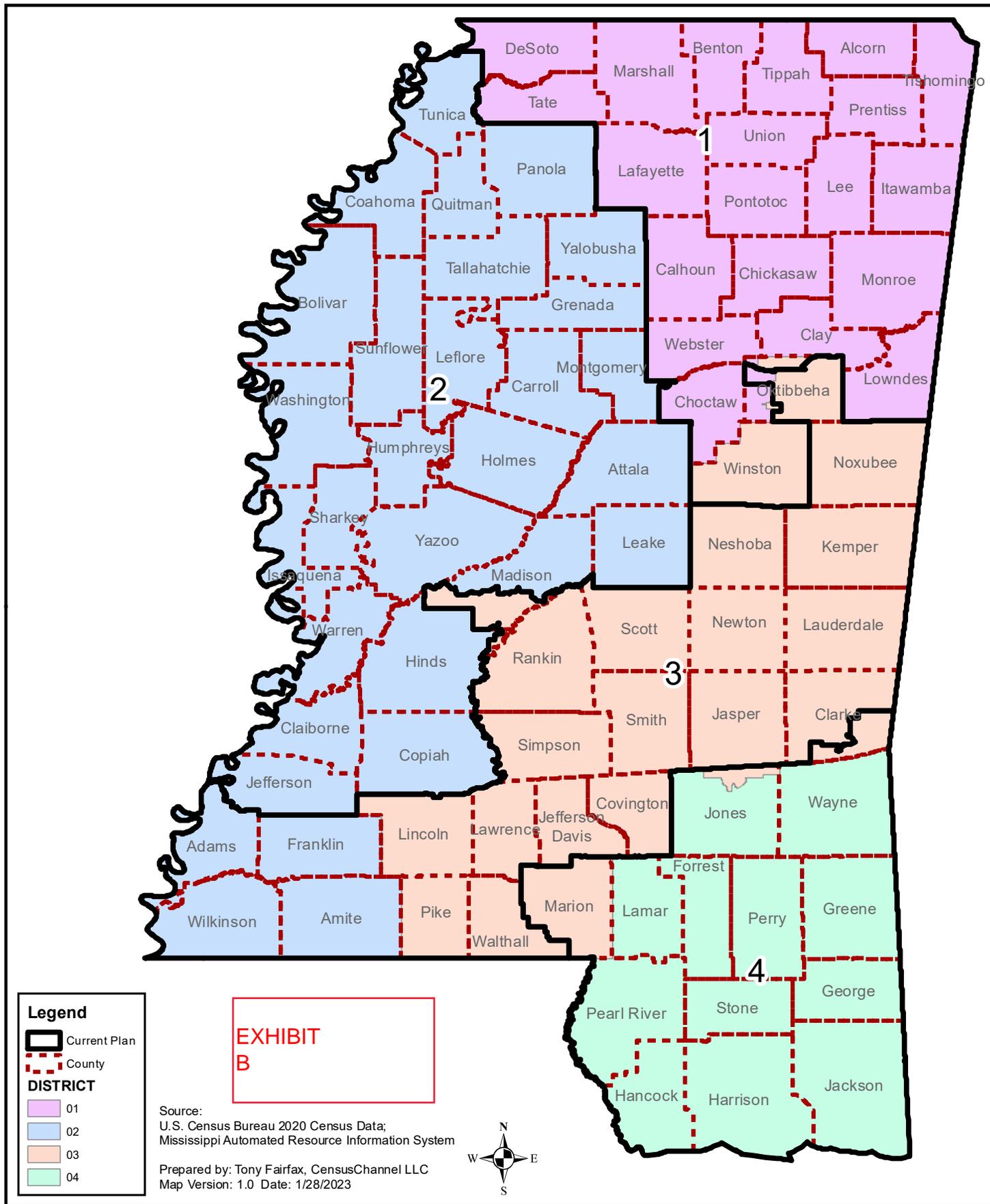
County	Voting District	District	Population
<i>Split Counties:</i>			
Clarke MS		3	13,740
Clarke MS		4	1,875
Hinds MS		2	196,592
Hinds MS		3	31,150
Madison MS		2	25,166
Madison MS		3	83,979
Oktibbeha MS		1	3,111
Oktibbeha MS		3	48,677
<i>Split VTDs:</i>			
Hinds MS	16	2	1,864
Hinds MS	16	3	510
Hinds MS	46	2	2,306
Hinds MS	46	3	2,151
Madison MS	Canton Fire Station #4	2	616
Madison MS	Canton Fire Station #4	3	0
Madison MS	Canton National Guard Armory	2	473
Madison MS	Canton National Guard Armory	3	1,135
Madison MS	Cedar Grove	2	302
Madison MS	Cedar Grove	3	0
Madison MS	Colonial Heights	2	80
Madison MS	Colonial Heights	3	3,356
Madison MS	Pleasant Gift Church	2	1,414

Political Subdivision Splits Between Districts

MS CD 2020 Current Plan

County	Voting District	District	Population
Madison MS	Pleasant Gift Church	3	0
Oktribbeha MS	Center Grove/North Adaton	1	563
Oktribbeha MS	Center Grove/North Adaton	3	408
Oktribbeha MS	Craig Springs/South Bradley	1	94
Oktribbeha MS	Craig Springs/South Bradley	3	278

Mississippi Congressional Districts HB384 Plan



User: Tony Fairfax

Plan Name: MS CD HB384 Plan

Plan Type: Congressional Districts

Population Summary

Friday, January 28, 2022

2:14 PM

District	Population	Deviation	% Devn.	[% H18+ _Pop]	[% NH18+ _Wht]	[% NH18+ _Blk]	[% LATCVAP19]	[% WHTCVAP19]	[% BLKCVAP19]
01	740,319	-1	0.00%	3.11%	66.94%	26.23%	1.78%	69.92%	27.13%
02	740,319	-1	0.00%	2.09%	34.35%	60.78%	1.17%	34.24%	63.74%
03	740,320	0	0.00%	2.38%	61.62%	31.67%	1.06%	63.47%	33.57%
04	740,321	1	0.00%	4.48%	68.24%	21.57%	2.78%	72.19%	22.6%

Total Population: 2,961,279

Ideal District Population: 740,320

Summary Statistics:

Population Range: 740,319 to 740,321

Ratio Range: 0.00

Absolute Range: -1 to 1

Absolute Overall Range: 2

Relative Range: 0.00% to 0.00%

Relative Overall Range: 0.00%

Absolute Mean Deviation: 0.75

Relative Mean Deviation: 0.00%

Standard Deviation: 0.83

User: Tony Fairfax

Plan Name: MS CD HB384 Plan

Plan Type: Congressional Districts

Population Summary

Friday, January 28, 2022

2:19 PM

District	Population	Deviation	% Devn.	[Dist Area]
01	740,319	-1	0.00%	10,097
02	740,319	-1	0.00%	18,414
03	740,320	0	0.00%	11,831
04	740,321	1	0.00%	8,122

Total Population: 2,961,279

Ideal District Population: 740,320

Summary Statistics:

Population Range: 740,319 to 740,321

Ratio Range: 0.00

Absolute Range: -1 to 1

Absolute Overall Range: 2

Relative Range: 0.00% to 0.00%

Relative Overall Range: 0.00%

Absolute Mean Deviation: 0.75

Relative Mean Deviation: 0.00%

Standard Deviation: 0.83

User: Tony Fairfax

Plan Name: MS CD HB384 Plan

Plan Type: Congressional Districts

Measures of Compactness Report

Saturday, January 29, 2022

4:23 PM

	Reock	Polsby-Popper	Area/Convex Hull
Sum	N/A	N/A	N/A
Min	0.30	0.13	0.69
Max	0.57	0.46	0.93
Mean	0.42	0.30	0.79
Std. Dev.	0.12	0.15	0.11

District	Reock	Polsby-Popper	Area/Convex Hull
01	0.47	0.38	0.82
02	0.30	0.13	0.73
03	0.35	0.24	0.69
04	0.57	0.46	0.93

Measures of Compactness Report

MS CD HB384 Plan

Measures of Compactness Summary

Reock	The measure is always between 0 and 1, with 1 being the most compact.
Polsby-Popper	The measure is always between 0 and 1, with 1 being the most compact.
Area / Convex Hull	The measure is always between 0 and 1, with 1 being the most compact.

User: Tony Fairfax

Plan Name: MS CD HB384 Plan

Plan Type: Congressional Districts

Political Subdivision Splits Between Districts

Friday, January 28, 2022

2:07 PM

Number of subdivisions not split:

County	78
Voting District	1,829

Number of subdivisions split into more than one district:

County	4
Voting District	5

Number of splits involving no population:

County	0
Voting District	0

Split Counts

County

Cases where an area is split among 2 Districts: 4

Voting District

Cases where an area is split among 2 Districts: 5

County	Voting District	District	Population
<i>Split Counties:</i>			
Hinds MS		02	203,900
Hinds MS		03	23,842
Jones MS		03	10,879
Jones MS		04	56,367
Madison MS		02	25,166
Madison MS		03	83,979
Oktibbeha MS		01	2,911
Oktibbeha MS		03	48,877
<i>Split VTDs:</i>			
Hinds MS	16	02	1,321
Hinds MS	16	03	1,053
Hinds MS	46	02	2,306
Hinds MS	46	03	2,151
Madison MS	Canton National Guard Armory	02	473
Madison MS	Canton National Guard Armory	03	1,135
Madison MS	Colonial Heights	02	80
Madison MS	Colonial Heights	03	3,356
Oktibbeha MS	Sturgis/North Bradley	01	1,353
Oktibbeha MS	Sturgis/North Bradley	03	21



MISSISSIPPI
State Conference

1072 J.R. Lynch Street, Suite 10
Jackson, MS 39203
601.353.8452
www.naacpm.org

November 30, 2021

To: Mississippi Joint Legislative Redistricting Committee

From: Mississippi State Conference NAACP

Re: Congressional Reapportionment

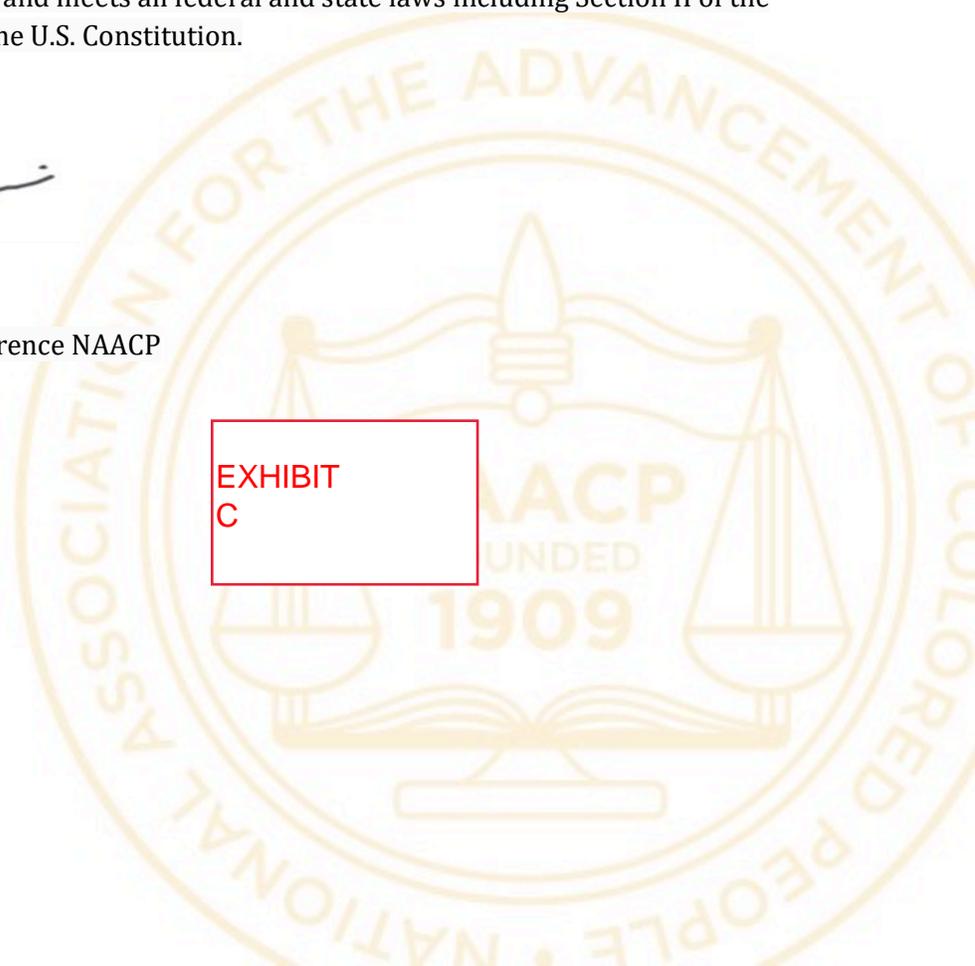
Every ten years, the State of Mississippi begins the redistricting process. Redistricting is one of the most critical aspects of our democracy. It determines our power as voters to elect public officials that will represent the interests of our communities. Therefore, it is important that the State of Mississippi engages in a redistricting process that is fair and transparent.

The Mississippi NAACP has been monitoring the redistricting process from the beginning to ensure fair and equitable representation for Mississippians. As the state faces structural challenges that could disproportionately affect marginalized communities, the Mississippi NAACP has developed a map proposal for consideration by the committee for Congressional lines. The maps attached ensures all Mississippi voters are represented in the voting process, gives special consideration to compactness of congressional districts, and meets all federal and state laws including Section II of the Voting Rights Act and the U.S. Constitution.

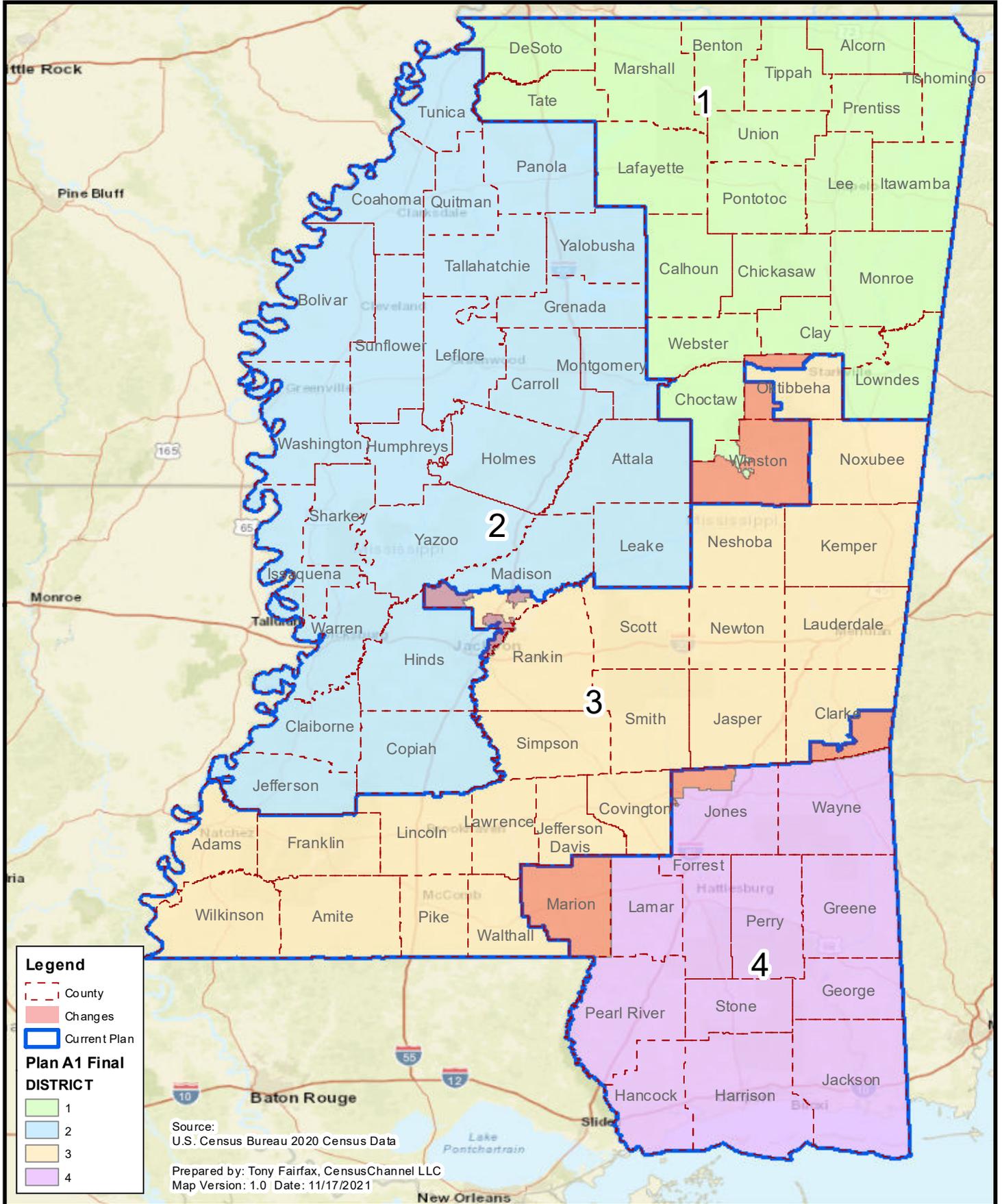
Sincerely,

Dr. Corey Wiggins
Executive Director
Mississippi State Conference NAACP

EXHIBIT
C



Mississippi Congressional Districts Plan A1 - Areas Added or Removed



User: Tony Fairfax

Plan Name: MS CD 2020 Plan A1 Final

Plan Type: Congressional Districts

Population Summary

Wednesday, November 17, 2021

10:45 AM

District	Population	Deviation	% Devn.	[% H18+ _Pop]	[% NH18+ _Wht]	[% NH18+ _Blk]	[% LATCVAP19]	[% WHTCVAP19]	[% BLKCVAP19]
1	740,319	-1	0.00%	3.11%	66.74%	26.42%	1.78%	69.74%	27.34%
2	740,319	-1	0.00%	2.19%	35.37%	59.42%	1.22%	35.71%	62.11%
3	740,320	0	0.00%	2.26%	60.75%	32.92%	1%	62.12%	35.08%
4	740,321	1	0.00%	4.49%	68.28%	21.5%	2.79%	72.21%	22.56%

Total Population: 2,961,279

Ideal District Population: 740,320

Summary Statistics:

Population Range: 740,319 to 740,321

Ratio Range: 0.00

Absolute Range: -1 to 1

Absolute Overall Range: 2

Relative Range: 0.00% to 0.00%

Relative Overall Range: 0.00%

Absolute Mean Deviation: 0.75

Relative Mean Deviation: 0.00%

Standard Deviation: 0.83

User:

Plan Name: MS CD 2020 Current Plan

Plan Type: Congress

Population Summary

Tuesday, November 9, 2021

9:43 AM

District	Population	Deviation	% Devn.	[% H18+ _Pop]	[% NH18+ _Wht]	[% 18+ _AP_Blak]	[% LATCVAP19]	[% WHTCVAP19]	[% BLKCVAP19]
1	758,233	17,913	2.42%	3.06%	66.57%	27.51%	1.76%	69.44%	27.61%
2	674,491	-65,829	-8.89%	2.05%	33.15%	63.37%	1.19%	33.17%	64.75%
3	751,039	10,719	1.45%	2.41%	60.31%	33.92%	1.05%	61.88%	35.24%
4	777,516	37,196	5.02%	4.39%	68.06%	23.04%	2.69%	72%	22.97%

Total Population: 2,961,279

Ideal District Population: 740,320

Summary Statistics:

Population Range: 674,491 to 777,516

Ratio Range: 0.15

Absolute Range: -65,829 to 37,196

Absolute Overall Range: 103,025

Relative Range: -8.00% to 5.02%

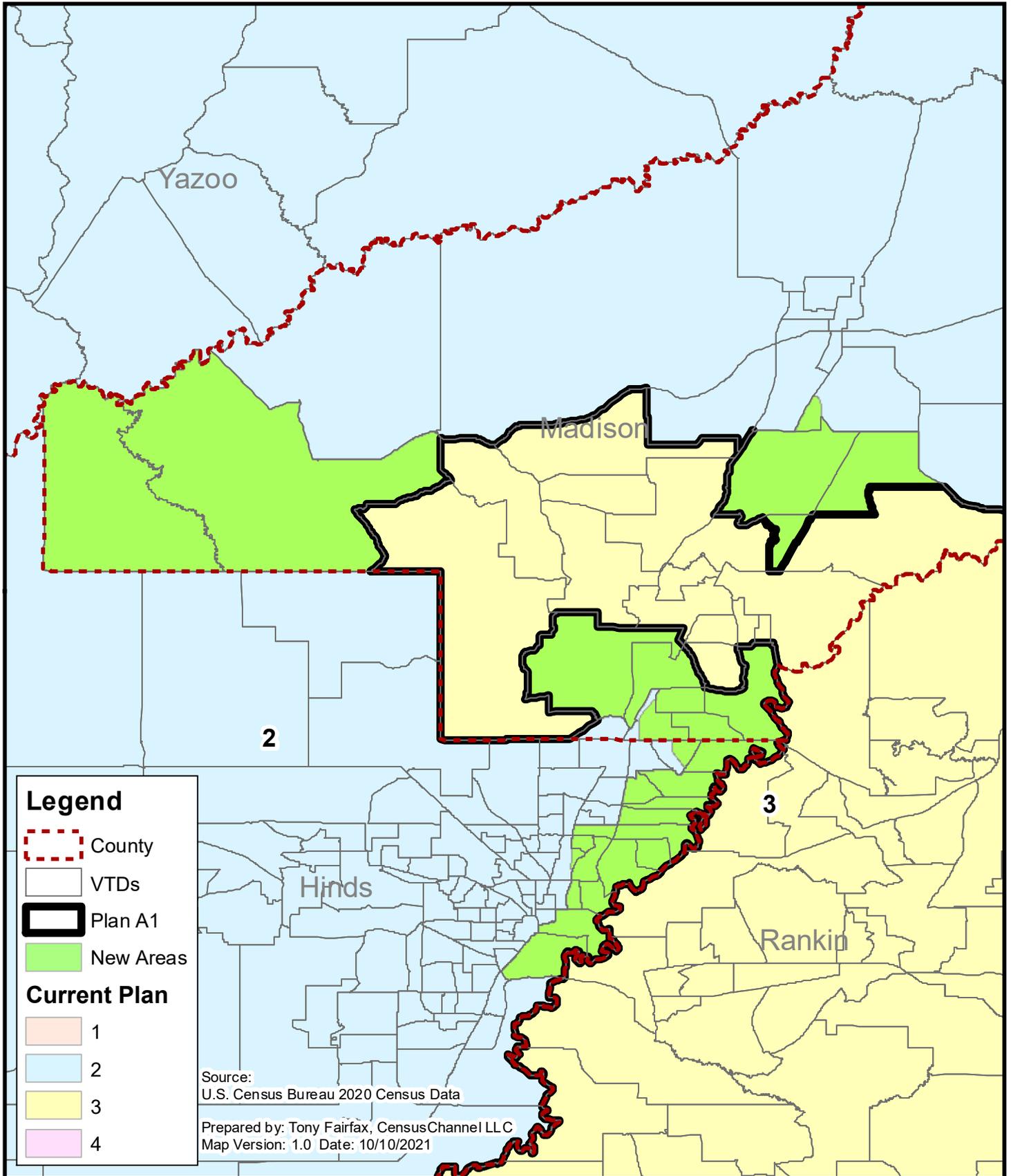
Relative Overall Range: 13.92%

Absolute Mean Deviation: 32,914.25

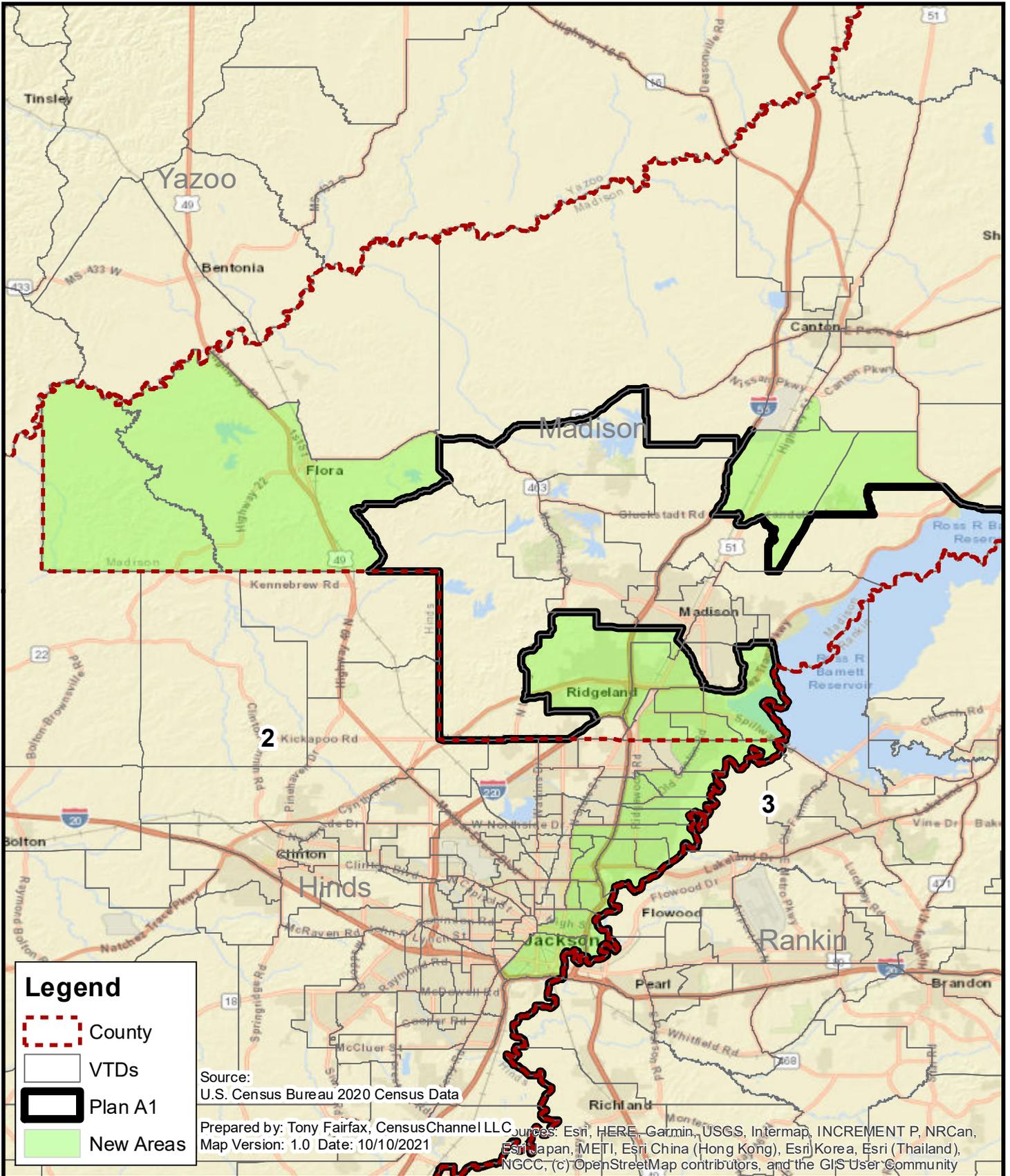
Relative Mean Deviation: 4.45%

Standard Deviation: 39,219.80

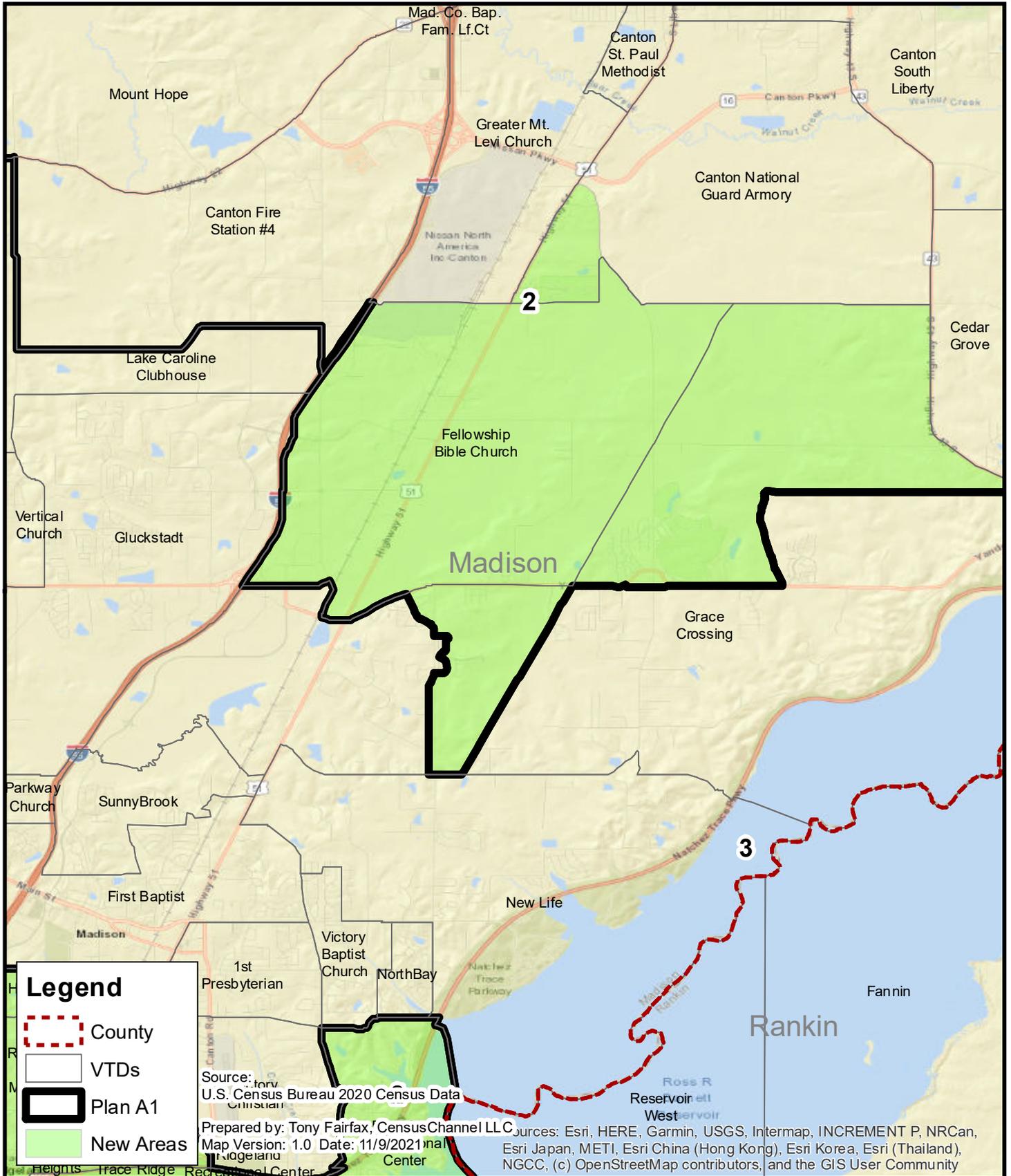
Mississippi Congressional Districts Hinds-Madison County Zoom Plan A1



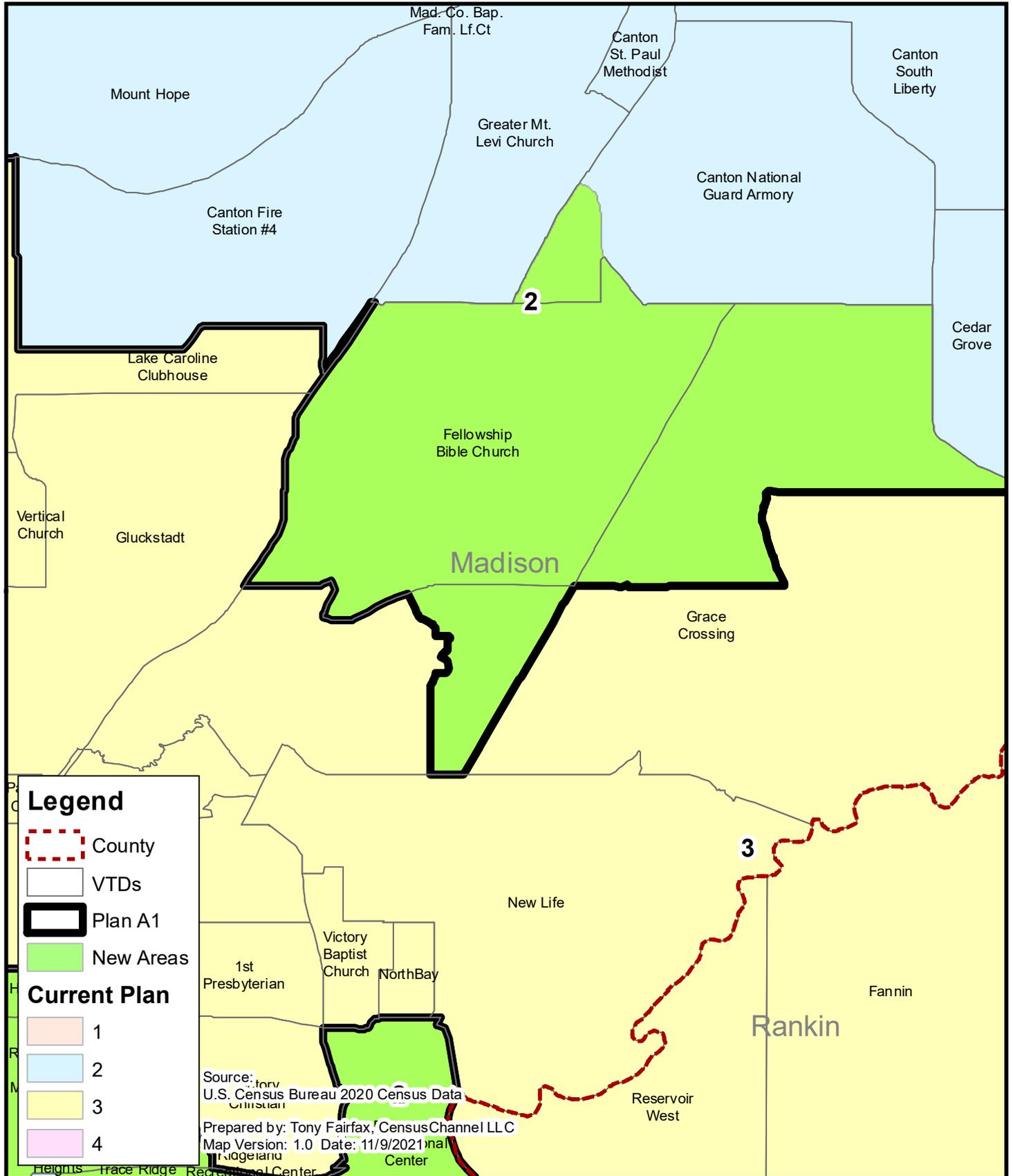
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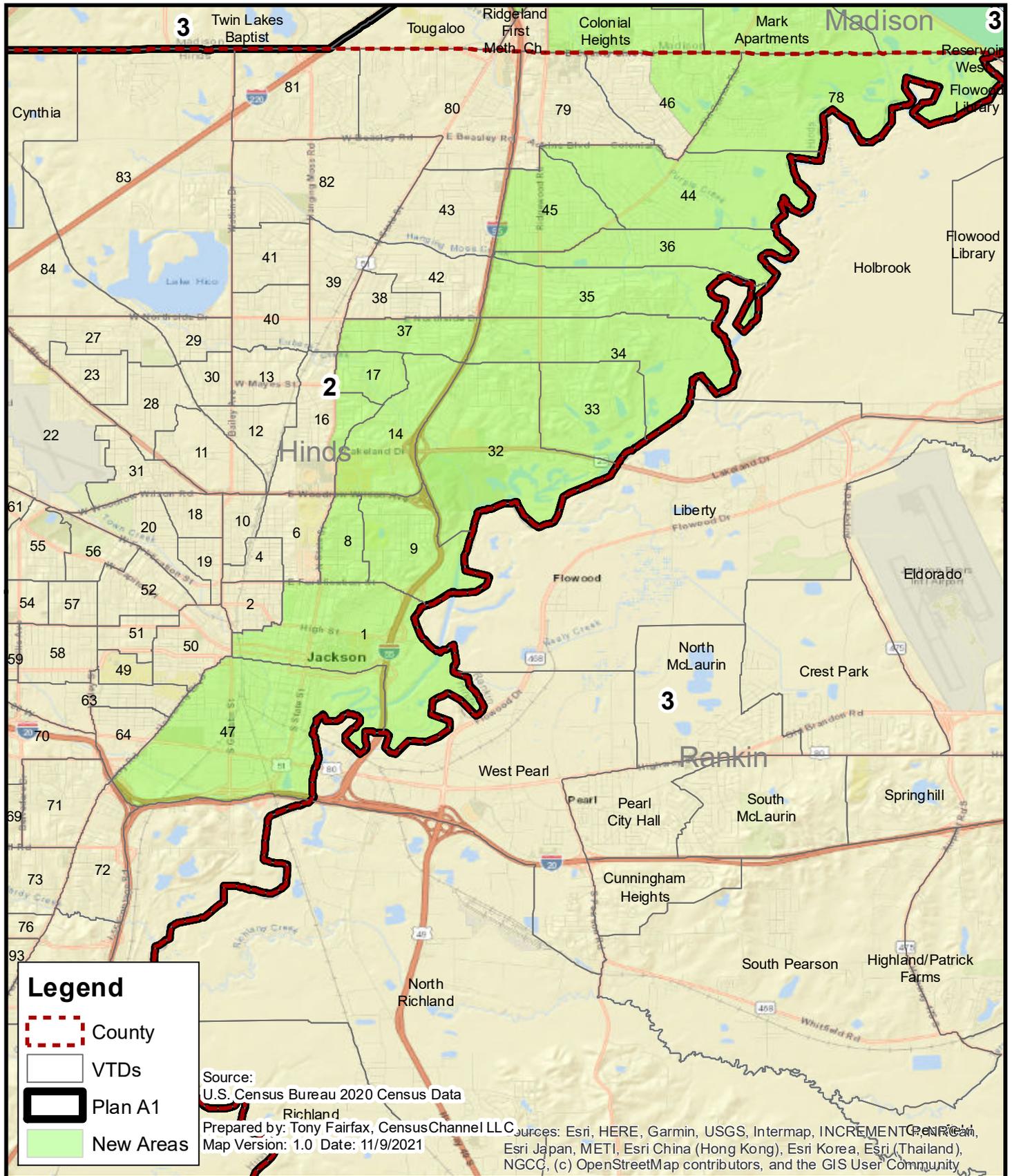
Mississippi Congressional Districts Fellowship Bible Church Precinct Madison Add-on Zoom Plan A1



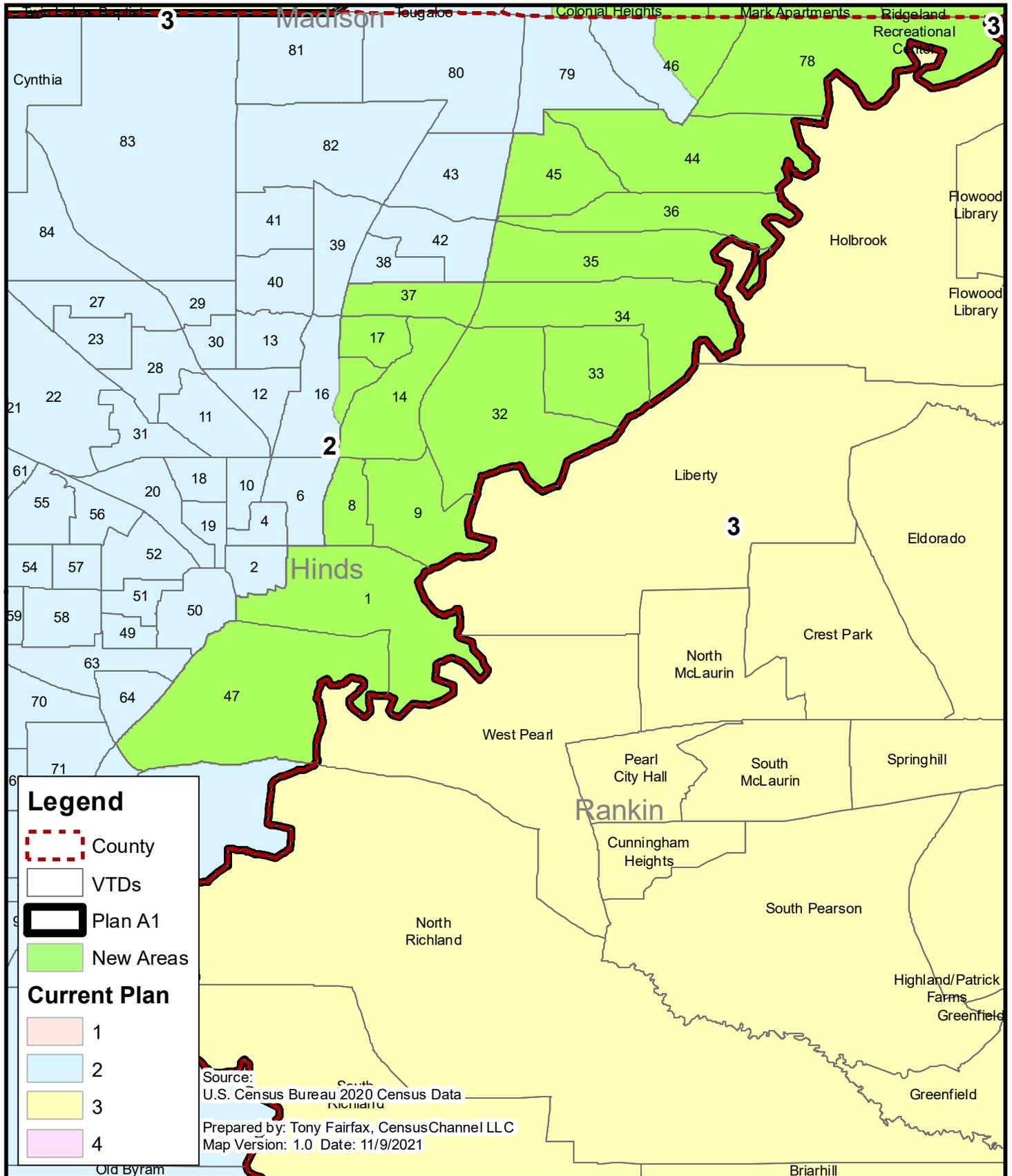
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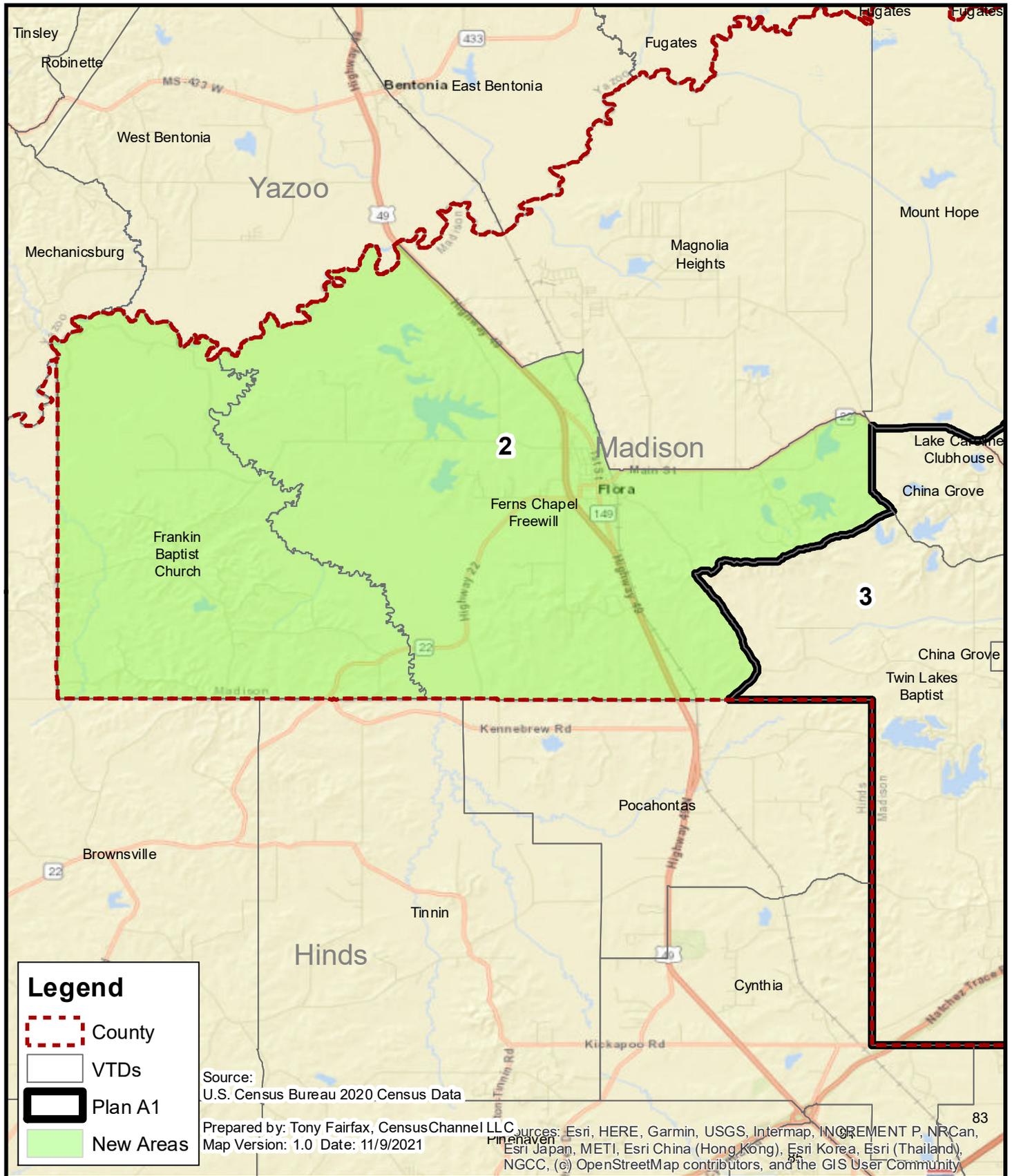
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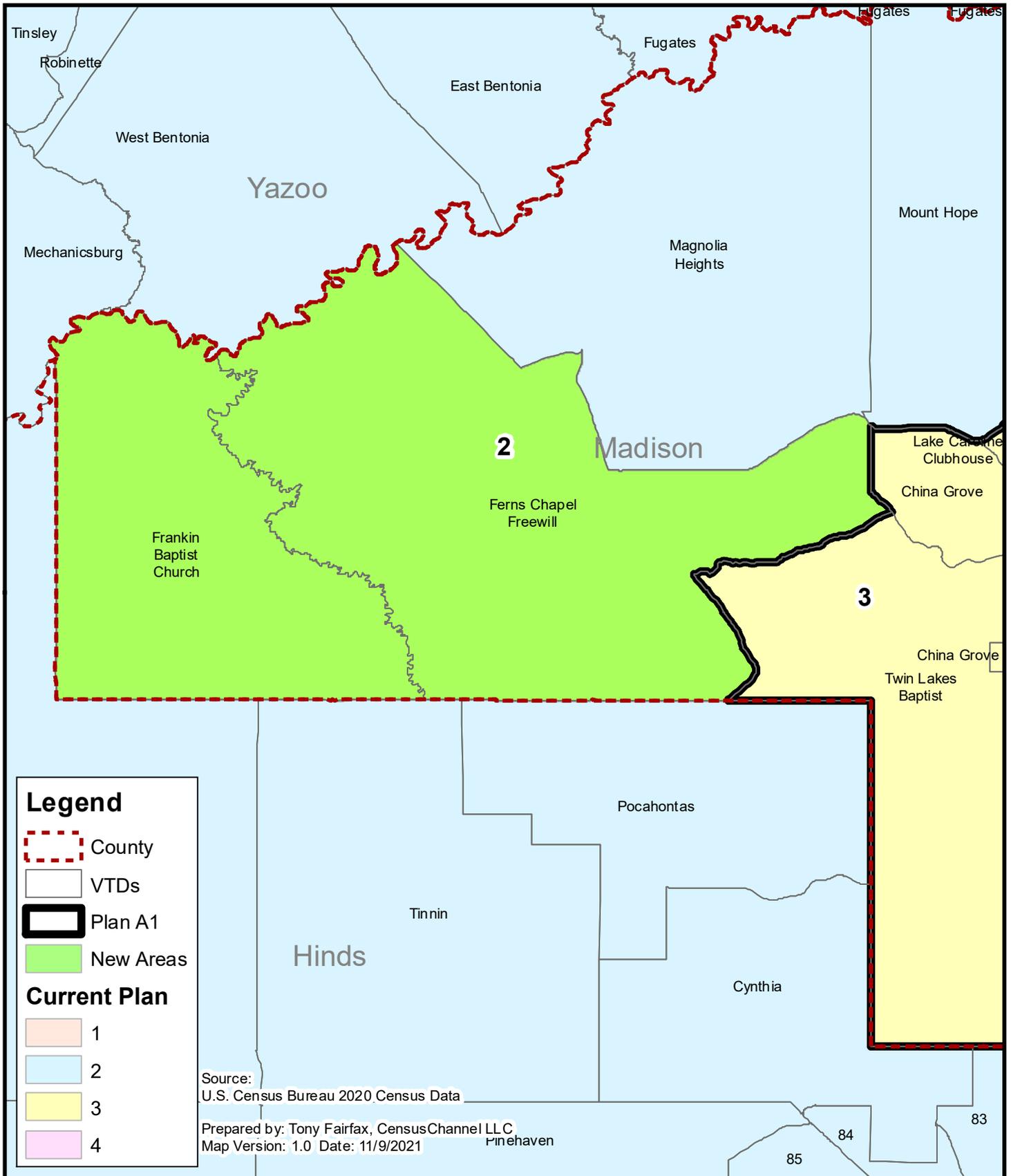
Mississippi Congressional Districts N. East Hinds-on Add-on Zoom Current Plan A1



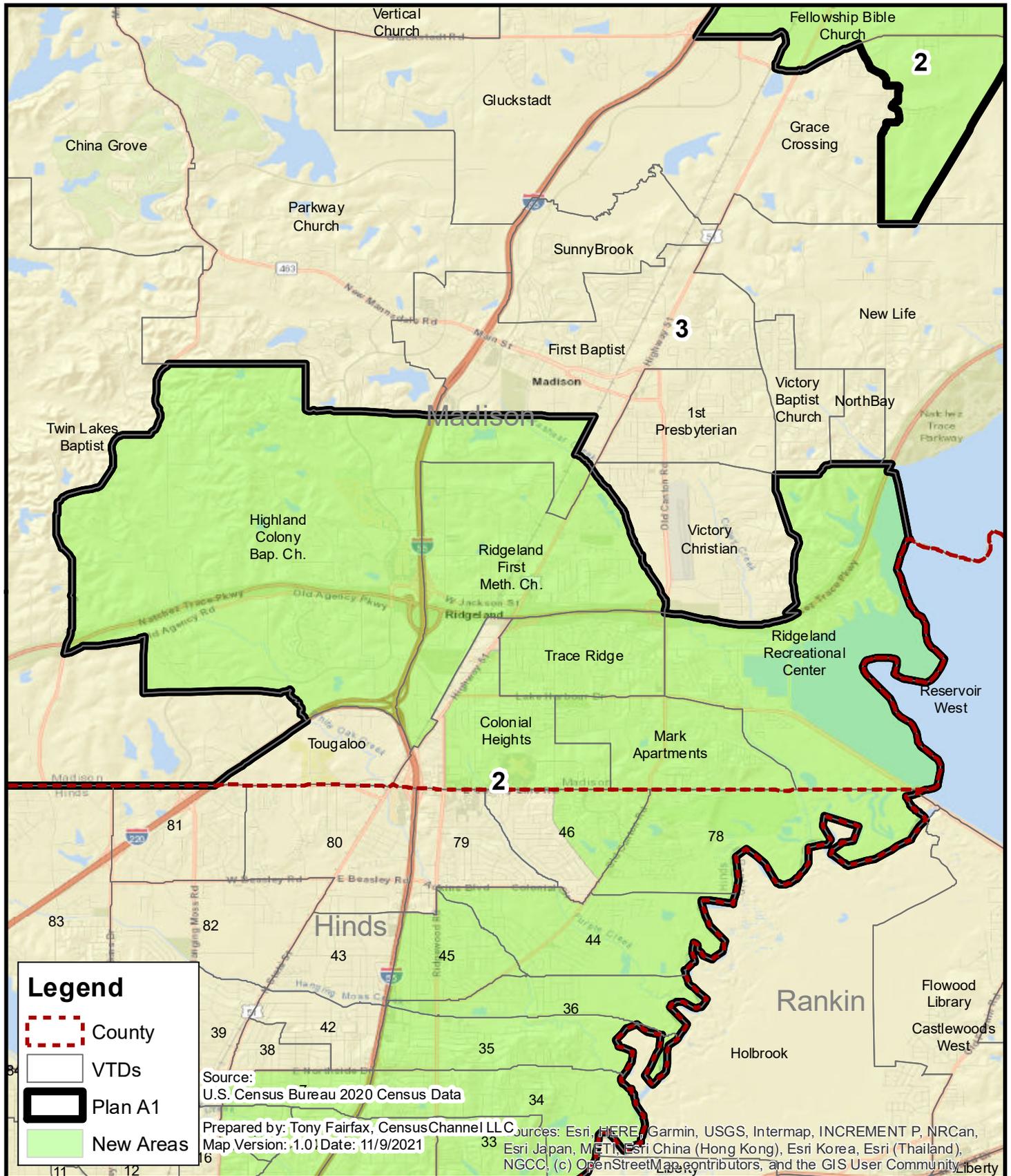
Mississippi Congressional Districts S. West Madison County Add-on Zoom Plan A1



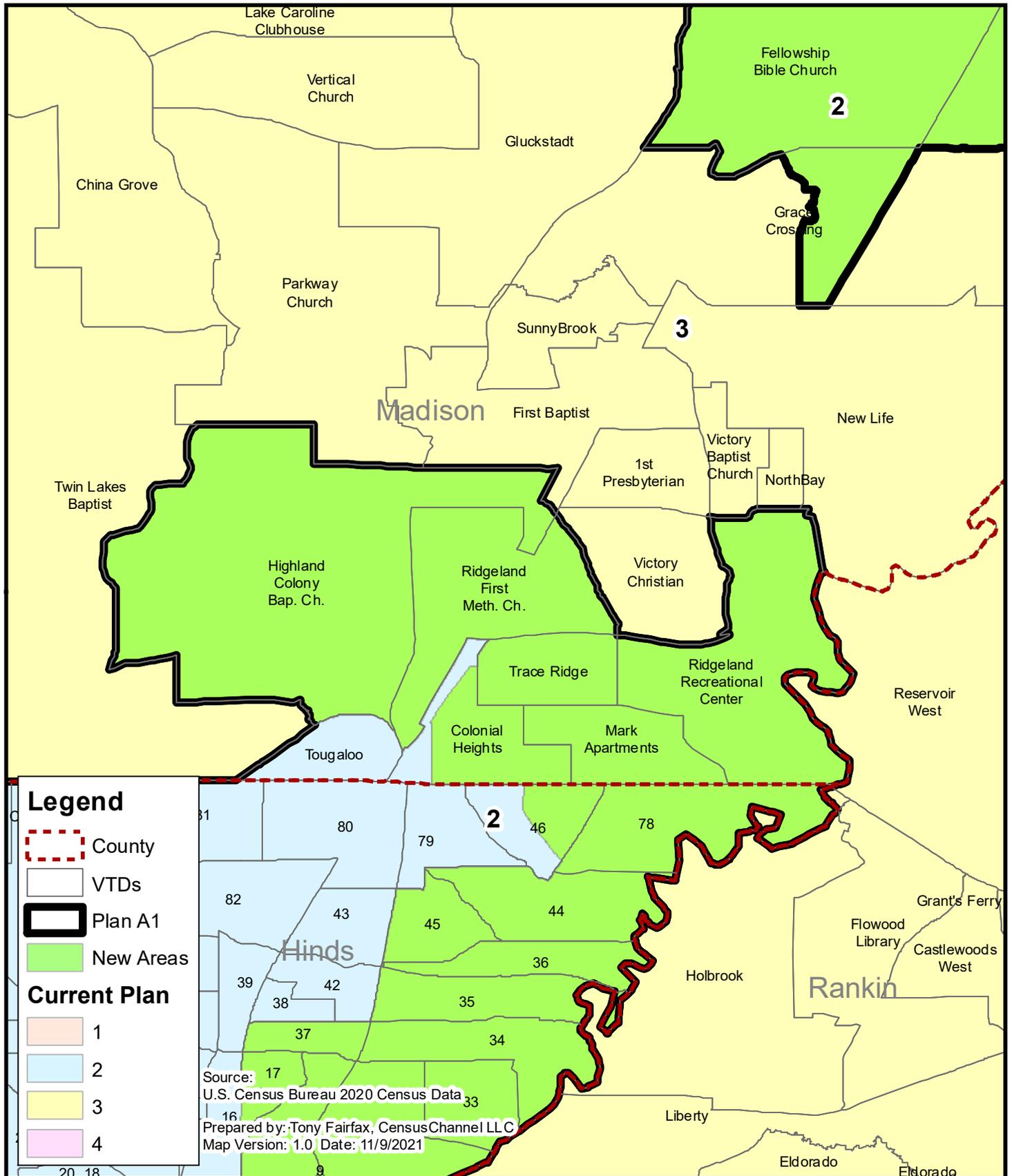
Mississippi Congressional Districts S. West Madison County Add-on Zoom Plan A1



Mississippi Congressional Districts S. East Madison County Add-on Zoom Plan A1



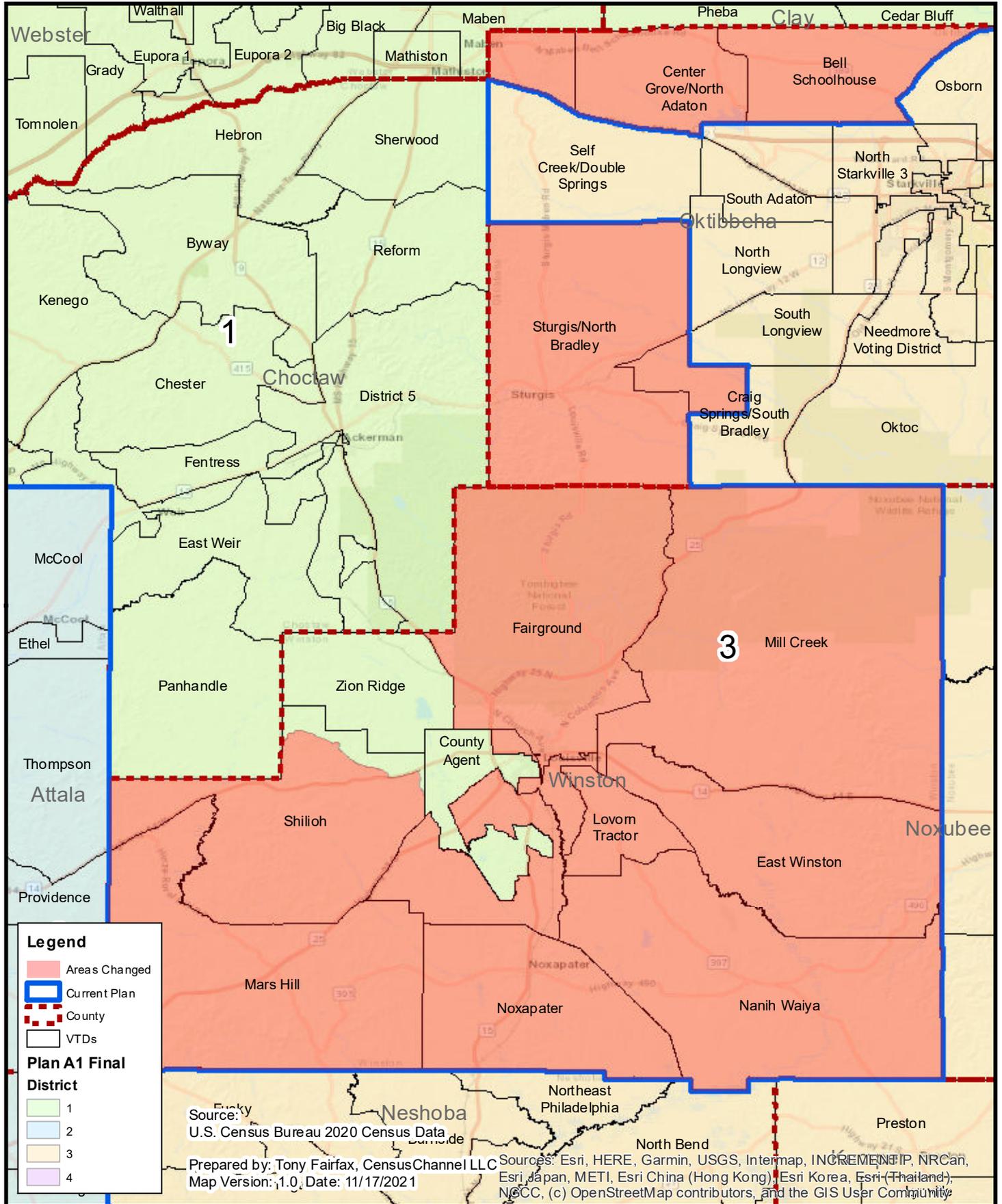
Mississippi Congressional Districts S. East Madison County Add-on Zoom Plan A1



Mississippi

Congressional Districts 1 & 3

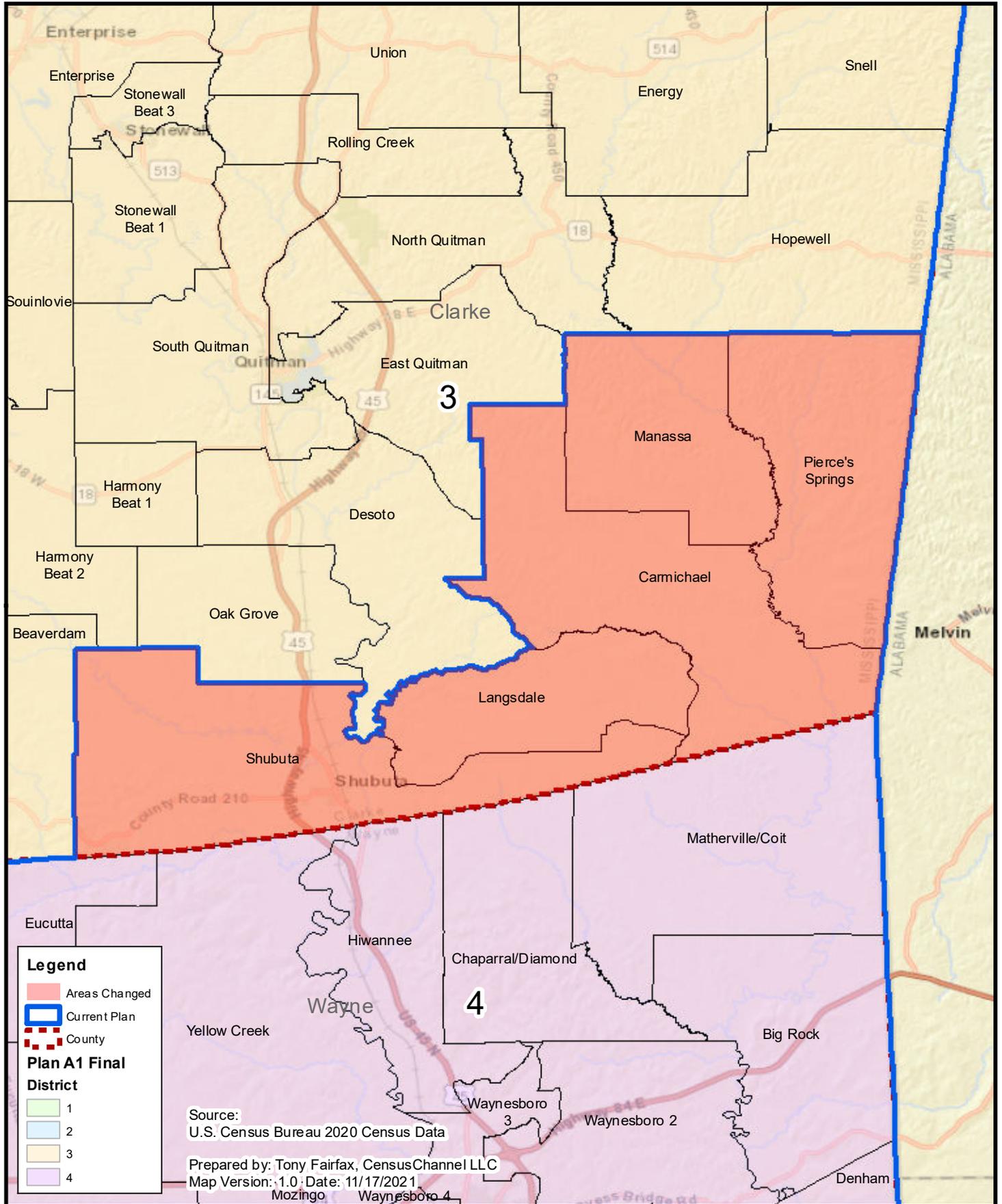
Plan A1 - Oktibbeha - Winston Zoom



Mississippi

Congressional Districts 3 & 4

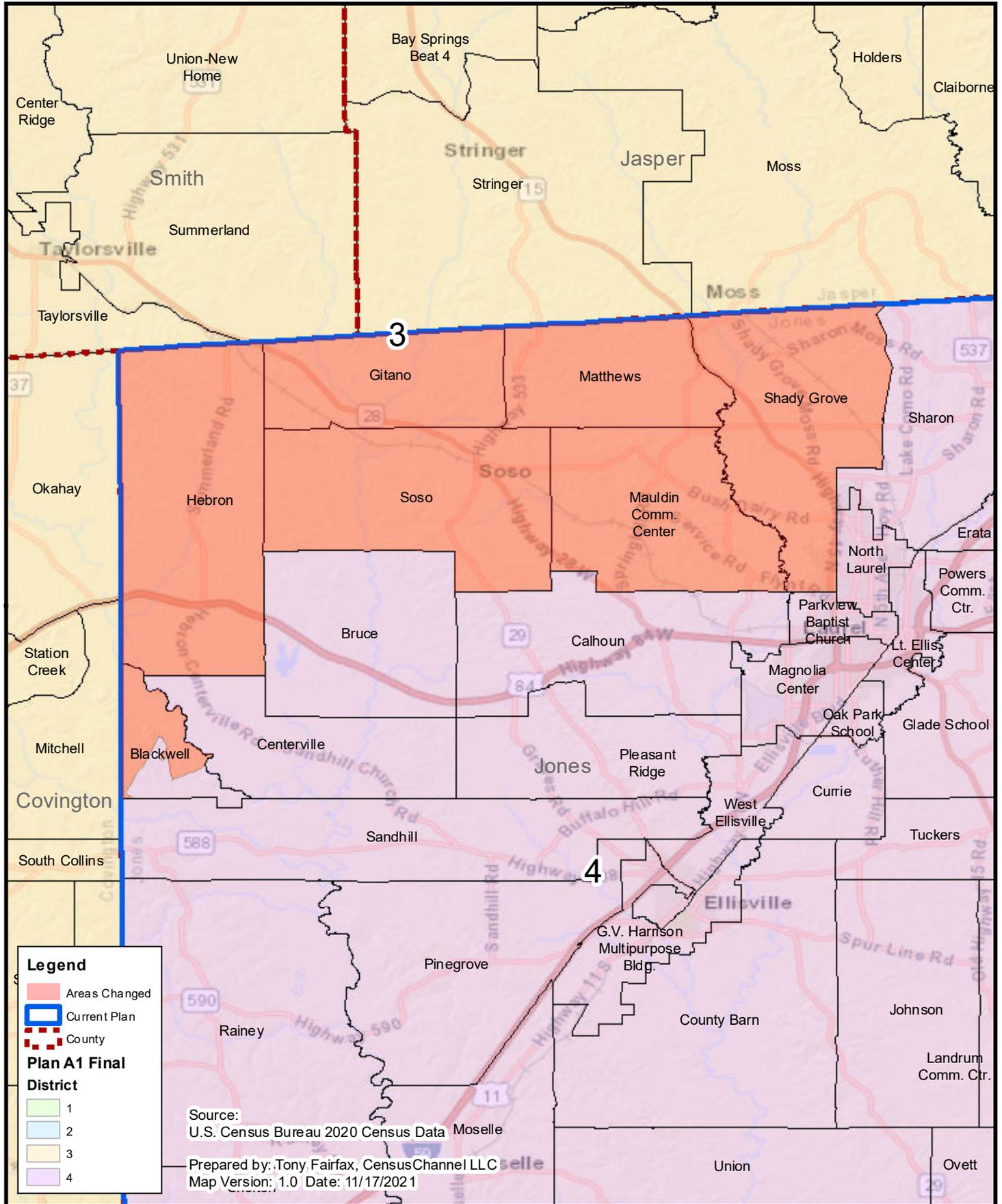
Plan A1 - Clarke Zoom



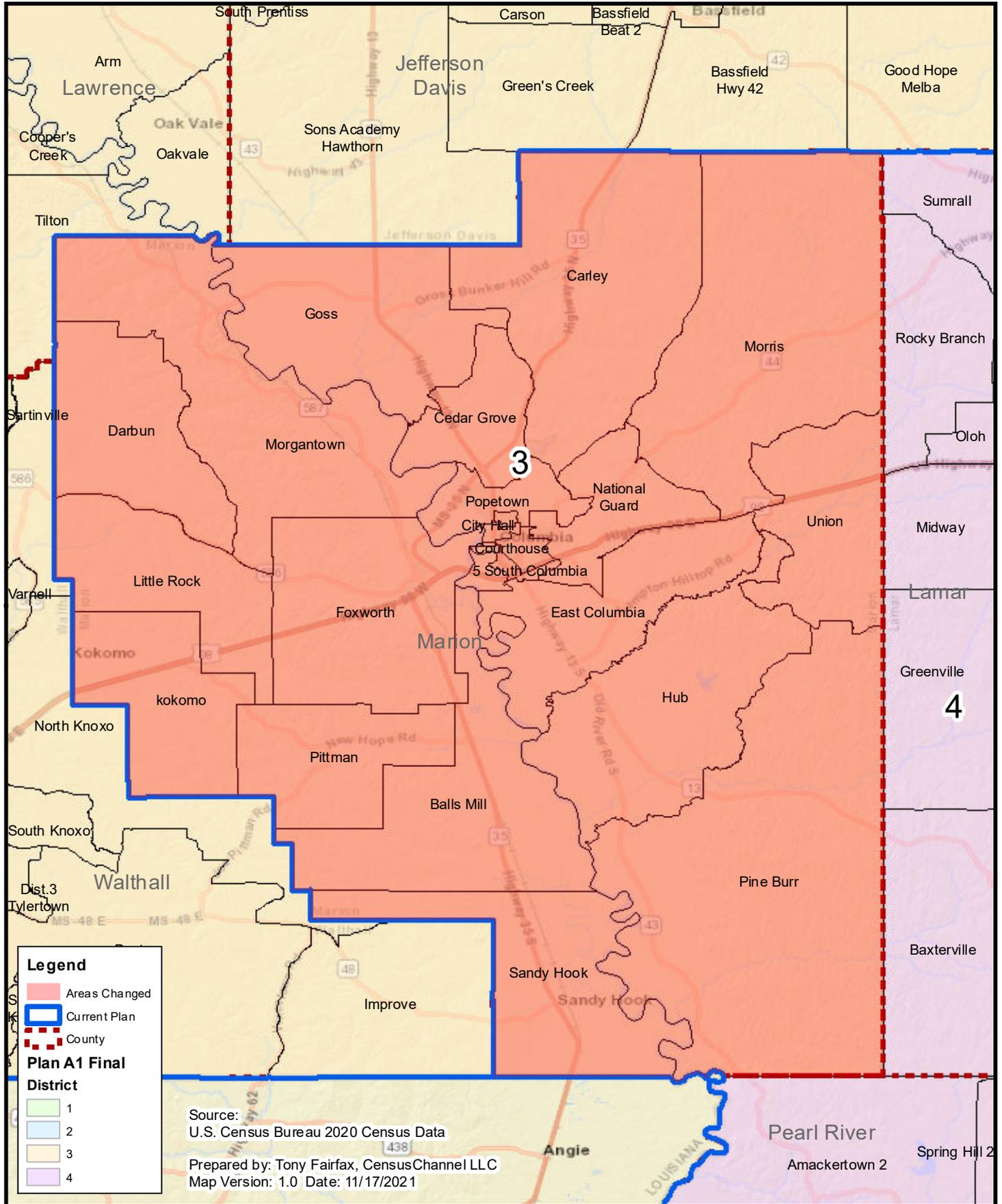
Mississippi

Congressional Districts 3 & 4

Plan A1 - Jones Zoom



Mississippi Congressional Districts 3 & 4 Plan A1 - Marion Zoom



User:

Plan Name: MS CD 2020 Current Plan Report

Plan Type: Congress

Population Summary

Tuesday, November 23, 2021

3:03 PM

District	Population	Deviation	% Devn.	[Dist Area]
1	758,233	17,913	2.42%	10,732
2	674,491	-65,829	-8.89%	15,926
3	751,039	10,719	1.45%	12,896
4	777,516	37,196	5.02%	8,909

Total Population: 2,961,279

Ideal District Population: 740,320

Summary Statistics:

Population Range: 674,491 to 777,516

Ratio Range: 0.15

Absolute Range: -65,829 to 37,196

Absolute Overall Range: 103,025

Relative Range: -8.00% to 5.02%

Relative Overall Range: 13.92%

Absolute Mean Deviation: 32,914.25

Relative Mean Deviation: 4.45%

Standard Deviation: 39,219.80

User: Tony Fairfax

Plan Name: MS CD 2020 Plan A1 Final Rpt

Plan Type: SC Congressional Districts

Population Summary

Tuesday, November 23, 2021

3:08 PM

District	Population	Deviation	% Devn.	[Dist Area]
1	740,319	-1	0.00%	10,026
2	740,319	-1	0.00%	16,055
3	740,320	0	0.00%	14,295
4	740,321	1	0.00%	8,087

Total Population: 2,961,279

Ideal District Population: 740,320

Summary Statistics:

Population Range:	740,319 to 740,321
Ratio Range:	0.00
Absolute Range:	-1 to 1
Absolute Overall Range:	2
Relative Range:	0.00% to 0.00%
Relative Overall Range:	0.00%
Absolute Mean Deviation:	0.75
Relative Mean Deviation:	0.00%
Standard Deviation:	0.83

User:

Plan Name: MS CD 2020 Current Plan

Plan Type: Congress

Political Subdivision Splits Between Districts

Tuesday, November 23, 2021

2:28 PM

Number of subdivisions not split:

County	78
Voting District	1,825

Number of subdivisions split into more than one district:

County	4
Voting District	9

Number of splits involving no population:

County	0
Voting District	3

Split Counts

County

Cases where an area is split among 2 Districts: 4

Voting District

Cases where an area is split among 2 Districts: 9

County	Voting District	District	Population
<i>Split Counties:</i>			
Clarke MS		3	13,740
Clarke MS		4	1,875
Hinds MS		2	196,592
Hinds MS		3	31,150
Madison MS		2	25,166
Madison MS		3	83,979
Oktibbeha MS		1	3,111
Oktibbeha MS		3	48,677
<i>Split VTDs:</i>			
Hinds MS	16	2	1,864
Hinds MS	16	3	510
Hinds MS	46	2	2,306
Hinds MS	46	3	2,151
Madison MS	Canton Fire Station #4	2	616
Madison MS	Canton Fire Station #4	3	0
Madison MS	Canton National Guard Armory	2	473
Madison MS	Canton National Guard Armory	3	1,135
Madison MS	Cedar Grove	2	302
Madison MS	Cedar Grove	3	0
Madison MS	Colonial Heights	2	80
Madison MS	Colonial Heights	3	3,356
Madison MS	Pleasant Gift Church	2	1,414

Political Subdivision Splits Between Districts

MS CD 2020 Current Plan

County	Voting District	District	Population
Madison MS	Pleasant Gift Church	3	0
Oktribbeha MS	Center Grove/North Adaton	1	563
Oktribbeha MS	Center Grove/North Adaton	3	408
Oktribbeha MS	Craig Springs/South Bradley	1	94
Oktribbeha MS	Craig Springs/South Bradley	3	278

User: Tony Fairfax

Plan Name: MS CD 2020 Plan A1 Final Rpt

Plan Type: SC Congressional Districts

Political Subdivision Splits Between Districts

Tuesday, November 23, 2021

3:08 PM

Number of subdivisions not split:

County	79
Voting District	1,828

Number of subdivisions split into more than one district:

County	3
Voting District	6

Number of splits involving no population:

County	0
Voting District	3

Split Counts

County

Cases where an area is split among 2 Districts: 3

Voting District

Cases where an area is split among 2 Districts: 6

County	Voting District	District	Population
<i>Split Counties:</i>			
Jones MS		3	10,879
Jones MS		4	56,367
Madison MS		2	59,844
Madison MS		3	49,301
Winston MS		1	2,911
Winston MS		3	14,803
<i>Split VTDs:</i>			
Jones MS	Blackwell	3	66
Jones MS	Blackwell	4	49
Madison MS	Canton Fire Station #4	2	616
Madison MS	Canton Fire Station #4	3	0
Madison MS	Cedar Grove	2	302
Madison MS	Cedar Grove	3	0
Madison MS	Grace Crossing	2	2,767
Madison MS	Grace Crossing	3	3,655
Madison MS	Pleasant Gift Church	2	1,414
Madison MS	Pleasant Gift Church	3	0
Winston MS	Shiloh	1	64
Winston MS	Shiloh	3	571

User: Tony Fairfax

Plan Name: MS CD 2020 Plan A1 Final Rpt

Plan Type: SC Congressional Districts

Political Subdivision Splits Between Districts

Tuesday, November 23, 2021

3:20 PM

Number of subdivisions not split:

County	79
Voting District	1,831

Number of subdivisions split into more than one district:

County	3
Voting District	3

Number of splits involving no population:

County	0
Voting District	0

Split Counts

County

Cases where an area is split among 2 Districts: 3

Voting District

Cases where an area is split among 2 Districts: 3

County	Voting District	District	Population
<i>Split Counties:</i>			
Jones MS		3	10,879
Jones MS		4	56,367
Madison MS		2	59,844
Madison MS		3	49,301
Winston MS		1	2,911
Winston MS		3	14,803
<i>Split VTDs:</i>			
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Winston MS	Shiloh	1	64
Winston MS	Shiloh	3	571

P.O. Box 722
Bruce, MS 38915
Office: (662)983-2451
Home: (662)983-7358

New Capitol Room 205-C
Office: (601)359-3335



- Apportionment and Elections-Chairman
- Congressional Redistricting-Chairman
- Legislative Reapportionment-Chairman
- Appropriations
- Judiciary A
- Judiciary En Banc
- Public Utilities
- State Library

Mississippi House of Representatives

REP. JIM BECKETT

District 23

Calhoun, Grenada, Lafayette and Webster Counties

MEMORANDUM

To: Members of the Joint Congressional Redistricting and
Legislative Reapportionment Committees

From: Chairman Jim Beckett

RE: Scheduled Meeting

Date: November 12, 2021

The Joint Congressional Redistricting and Legislative Reapportionment Committees will meet on Friday, November 19, 2021, at 10:00 a.m. in Committee Room 216 (The Old Supreme Court Chamber) in the New Capitol Building.

For your convenience, the attachments include the agenda and minutes. Please make every effort to attend this important meeting.

Thank you.

JB/TB/gt 

Attachments

**EXHIBIT
D**

**Standing Joint Legislative Committee on Reapportionment and the Standing Joint
Congressional Redistricting Committee**

Agenda: November 19, 2021

1. Call to order
2. Roll call
3. Approval of the minutes for the June 30, 2021, meeting
4. Adoption of criteria for legislative redistricting
5. Adoption of criteria for congressional redistricting
6. Other business
7. Adjournment

Standing Joint Legislative Committee on Reapportionment and the Standing Joint
Congressional Redistricting Committee

Meeting of June 30, 2021

The Standing Joint Legislative Committee on Reapportionment and the Standing Joint Congressional Redistricting Committee met at 3:30 p.m. on June 30, 2021, in Room 216 of the New Capitol Building in Jackson, Mississippi. The membership of the Committees is identical.

Present

Representative Jim Beckett
Representative Bo Brown
Representative Dan Eubanks
Representative Kevin Ford
Representative Vince Mangold
Representative John Read
Representative Fred Shanks
Representative Cheikh Taylor
Representative Jason White
Senator Dean Kirby
Senator Hob Bryan
Senator Dennis DeBar
Senator Josh Harkins*
Senator Briggs Hopson
Senator David Parker
Senator Derrick Simmons
Senator Jeff Tate
Senator Angela Turner Ford
Senator Brice Wiggins*

Absent

Representative Ed Blackmon

Also Present:

Speaker Philip Gunn
Lt. Governor Delbert Hosemann
(Hon.) Tommie Cardin
(Hon.) Parker Berry
(Hon) Drey Russell

Speaker of the House Philip Gunn called the meeting to order at 3:30 p.m. and determined that a quorum was present. At that time, the Speaker of the House opened the floor for motions to nominate a chairperson of the Committees. Senator Dean Kirby nominated Representative Jim Beckett to serve as the chair of both Committees. This motion was seconded by Representative Jason White. At that time the nominations were closed. Upon the motions of Senator Kirby, seconded by Representative White, Representative Beckett was unanimously elected chair of the Joint Committees.

Representative Beckett assumed the chair of the Committees and then called for nominations for the position of vice-chair of the Committees. Representative Jason White nominated Senator Dean Kirby to the position of vice-chair to both Committees. This motion was seconded by Senator Derrick Simmons. At that time, the nominations for the position of vice-chair were closed, and upon the motion of Representative Jason White, seconded by Senator Derrick Simmons, Senator Kirby was unanimously elected vice-chair of the Committees.

Representative Beckett called for nominations for the position of secretary to the Committees. Representative Read nominated Senator Jeff Tate to serve as secretary. This nomination was seconded by Senator Derrick Simmons. At this point the nominations

were closed. Upon the motions of Representative John Read, seconded by Senator Derrick Simmons, Senator Jeff Tate was unanimously elected Secretary to the Committees.

The Chair introduced the staff to the Committee. These persons were Ted Booth, Staff Counsel, Ben Collins, and Barton Norfleet.

The Chair then introduced Tommie Cardin of Butler Snow LLP as having represented the Committee as counsel for redistricting in the post 2000 and 2010 census redistricting activities. Senator Hob Bryan made a motion that the Committee hire Tommie Cardin and the Butler Snow LLP law firm to represent the Committees. Senator Kirby seconded the motion. The Committee voted unanimously to adopt the motion.

The Chair presented the Committee's access policy which sets out records that are public and those that are confidential, and further outlines the schedule for public access to the Committee's computer system for both congressional and legislative redistricting. A copy of the policy is attached to these minutes. Upon the motion of Representative Read, seconded by Representative White, the Committee unanimously adopted the policy.

The Chair appointed the House and Senate Subcommittees of the Standing Joint Legislative Committee on Reapportionment which shall be responsible for developing redistricting plans for their respective houses of the Legislature. Representative Beckett appointed himself to serve as chair of the House subcommittee comprised of all House members of the Joint Committee, and appointed Senator Kirby Chair of the Senate subcommittee comprised of all Senate members of the Joint Committee.

The Committee discussed the proposed schedule for the redistricting public hearings, including the desirability of live streaming all of the hearings if possible.

The Committees adjourned at 4:04 p.m.

Representative Jim Beckett, Chair

Senator Dean Kirby, Vice-Chair

Senator Jeff Tate, Secretary

*Senators Harkins and Wiggins participated in the deliberations of the Committees via ZOOM.

Public Access Policy
Standing Joint Legislative Committee on Reapportionment and the Standing Joint
Congressional Redistricting Committee
June 30, 2021

Pursuant to MISS. CODE ANN. Sections 5-3-91 et seq. (1972) and Sections 5-3-121 et seq. (1972), the Joint Committees shall draw plans to redistrict congressional districts and state legislative districts. The Joint Committees have adopted the following procedures to afford all interested parties' reasonable access to public information.

A. General Public Access

1. Members of the general public may obtain public documents from the Joint Committees by submitting a written request to: James F. Booth, Staff Counsel, Mississippi Standing Joint Committee on Reapportionment, P.O. Box 1204, Jackson, MS 39215-1204
2. The Joint Committees may charge any member of the general public who submits a written request the cost of retrieving and copying the requested documents.
3. Public access for the Joint Committees' computer system for Congressional Redistricting may be booked one month after the receipt of the final PL-94-171 data from the United States Census Bureau. Public access availability shall be for a period of three weeks. Public access for Legislative redistricting shall commence one month after the final PL-94-171 data is made available to the state or January 1, 2022, whichever occurs later. Public access shall be available for one month thereafter. Members of the public wishing to use the Committees' computer system must be accompanied by a legislative staff member or contractor at all times who shall serve as an operator of the system. Persons seeking access to the computer system must call at least 24 hours in advance of the time when access is sought. Appointments will be made in three-hour blocks, and be arranged by contacting James F. Booth at 601-359-1226. Extensions may be arranged by the staff if time is available.
4. All public information will be made available on the Committees' website, msjrc.state.ms.us, or by contacting James F. Booth, at 601-359-1226.
5. Any citizen may submit written comments to the Joint Committees by sending them to ted.booth@peer.ms.gov, or by mailing them to James F. Booth, P.O. Box 1204, Jackson, MS 39215-1204

B. Documents Produced by the Public

1. Any citizen of the State of Mississippi may present a proposed plan to the Joint Committees at a public meeting or by submission in writing to the Joint Committee, P.O. Box 1204, Jackson, MS 39215-1204. All plans submitted by citizens shall be made part of the public record and made available in the same manner as other public documents of the Joint Committees.
2. Any proposed redistricting plan drafted for introduction may only be offered by a member of the Mississippi House of Representatives or the Mississippi Senate.
3. Any plan developed by anyone outside of the Legislature shall be:
 - depicted on a map or maps which follow 2020 census geographic boundaries;
 - accompanied by a statistical sheet listing population breakdown for each district and the census geography within such district;
 - identified as a complete statewide plan for redistricting or, if a partial plan, be capable of fitting into a plan which is to be modified; and,
 - in accordance with any other guidelines developed by the Joint Committees.
4. Any citizen may submit a proposed redistricting plan electronically to the Joint Committees by making such a plan an attachment to an email directed to

ted.booth@peer.ms.gov, or by providing a CD-ROM to James F. Booth, P.O. Box 1204, Jackson, MS 39215-1204. Any plans submitted electronically must be accompanied by paper materials meeting the requirements set out in Section B, paragraph 3.

C. Documents Produced by Legislators, Staff, and Contractors

1. Any redistricting plan or portion thereof or work product developed by, or at the request of, any member of the Mississippi House of Representatives or the Mississippi Senate, or the staff of the legislature or its contractors, shall be confidential, and shall not be released except without written permission of the member subject to the following paragraph.
2. Any proposed redistricting plan will become public information upon its presentation to the Joint Committees or upon its introduction as a bill in the legislative process.
3. All members of the Mississippi House of Representatives and the Mississippi Senate shall be allowed access to the Joint Committees computer system upon request to the staff. The Joint Committees shall make every effort to provide technical assistance to all members upon request subject to availability.
4. Any documents, files, electronic mail, or other communications in possession of the staff, its contractors, or members of the Joint Committees generated in the course and scope of carrying out redistricting activities shall be deemed confidential and not subject to public records release unless made public by this policy or by the Chair of the Joint Committees.

D. Committee Meetings and Public Hearings

1. All meetings of the Joint Committees shall be subject to the Open Meetings Act, (MISS. CODE ANN. Section 25-41-1 et seq.). Copies of minutes of all public meetings shall be available to the public upon their approval by the Joint Committee.
2. All public hearings shall be open to the public and written transcripts of all public hearings shall be made available to the public.

Criteria for State Legislative Districts:

1. Each district's population should be less than 5% above or below the ideal population of the district.
2. Districts should be composed of contiguous territory.
3. The redistricting plan should comply with all applicable state and federal laws including Section 2 of the Voting Rights Act of 1965, as amended, and the Mississippi and United States Constitutions.

Criteria for Congressional Districts:

1. District population should be as equal as practicable.
2. Districts should be composed of contiguous territory.
3. The redistricting plan should comply with all applicable state and federal laws including Section 2 of the Voting Rights Act of 1965, as amended, and the Mississippi and United States Constitutions.
4. The Committee should consider the neutral redistricting factors employed by the Court in *Smith v. Hosemann*, 852 F. Supp. 2d 757 (S.D. Miss. 2011).