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December 15, 2014

Mr. Elmus Stockstill, Circuit Clerk
Leflore County, MS
310 West Market Street
Post Office Box 1953
Greenwood, MS 38935-1953

2014-0073-CIC1

RE: Takiyah H. Perkins vs. Carol Richard

Dear Mr. Stockstill:

Please find enclosed plaintiff's original Complaint to Contest Election, Civil Cover Sheet and check in the amount of \$160.00 as payment of the filing fee in regard to the above referenced matter.

Please contact me with regard to any concern. For today, the very best to you.

Sincerely,



Willie J. Perkins, Sr.,
Attorney-at-Law

WJP,SR:rge

Enclosures

FILED

DEC 15 2014

ELMUS STOCKSTILL, CIRCUIT CLERK

BY: _____ D.C.

IN THE CIRCUIT COURT OF LEFLORE COUNTY, MISSISSIPPI

TAKIYAH H. PERKINS

PLAINTIFF

VS.

CIVIL ACTION NO. 2014-0073-CIC1

CAROL RICHARD

DEFENDANT

COMPLAINT TO CONTEST ELECTION

(EXPEDITED CONSIDERATION REQUESTED)

COMES NOW Plaintiff Takiyah H. Perkins, pursuant to Miss. Code Ann. Section 23-15-951 (rev. 2013) and files her Complaint to Contest the November 25, 2014 Runoff Election for circuit court judge subdistrict 4-3 and requesting a revote in the Central Greenwood and related precincts based upon a denial of over 450 registered voters the right to vote. Plaintiff also contests this runoff election due to and based upon repeated and widespread violations of statutory mandatory election laws and procedures by election officials in charge of the election process in Leflore, Sunflower and Washington Counties during the November 25, 2014 Runoff Election and in support thereof would show unto the Court the following, to-wit:

I. Jurisdiction and Venue

1. This is a complaint pursuant to Miss. Code Ann. Section 23-15-951 (1972) to contest the November 25, 2014 Runoff Election for circuit court judge in the Subdistrict 4-3 and seeking a revote in the Central Greenwood Precinct and any other adjoining precincts (Central Greenwood or South West Greenwood depending upon the appropriate placement of the voters in their appropriate precinct). This Court has jurisdiction and venue of this action pursuant to Miss. Code Ann. § 23-15-951 (1972).

II. Parties

2. Plaintiff is a qualified elector of the 4th circuit court district and at all times hereinafter complained of was a duly qualified candidate along with Defendant Carol Richard for circuit court judge, subdistrict 4-3 in certain county voting precincts in Leflore and Sunflower and Washington.

3. The Defendant, Carol Richard, may be served with process of this Court at 540 Main Street, Suite 401, Greenville, MS 38701.

III. Facts

4. Pursuant to Miss. Code Ann. Section 9-7-15 (c) (Rev. 1994), the Circuit Court subdistrict 4-3 is statutorily defined as:

(c) Subdistrict 4-3 shall consist of the following precincts in the following counties:

(I) Leflore County: East Greenwood Sub-A, East Greenwood Sub-B,

Central Greenwood, North Itta Bena, South Itta Bena, Southwest Greenwood, Rising Sun, Sidon, Morgan City, Swiftown and South Greenwood Precincts;

(ii) Sunflower County: Moorhead, Inverness, Indianola 2 West and Indianola 2 East Precincts; and

(iii) Washington County: Arcola City Hall, Hollandale City Hall, Darlove Baptist Church and Magelardi Bourbon Store Precincts.

5. Pursuant to the statutory definition under Miss. Code. Ann. Section 9-7-15 (Rev. 1994) and electronic shapefiles of the circuit court subdistrict 4-3, during the supervisory redistricting process in Leflore County based on 1990, 2000 and 2010 census data, Leflore County obviously has split and consolidated several county voting precincts assigned by the Mississippi Legislature to circuit court judge subdistricts 4-1 and altered and redefined the

subdistricts without any lawful authority. Moreover, during the supervisory redistricting process, to correct malapportionment in the five (5) supervisory districts in Leflore County between 1994 to 2012, some of the county voting precincts assigned by the Mississippi Legislature to the circuit court judge subdistricts have been altered and voters transferred to a different circuit court judge subdistrict without legal authority.

6. Since 1994, the Mississippi Legislature has not redistricted the four (4) sub-districts in the Fourth Circuit Court District. However, during the local supervisory redistricting process, voters in the geography of certain county voting precincts assigned to circuit court judge subdistrict 4-3 have been transferred to county voting precincts which are assigned to subdistrict 4-1.

7. The administrative subdistricts within the county voting precincts which now contain voters from the geography of the consolidated and eliminated former county voting precincts in addition to voters who were transferred during the local supervisory redistricting process, have not been administratively assigned a subprecinct designation to continue voting in circuit court judge subdistrict 4-3 as assigned in 1994 by the Mississippi Legislature. In other words, under Mississippi law, the Leflore County Board of Supervisors without any legal authority to do so altered circuit court subdistricts 4-1 and 4-3, created by the Mississippi Legislature in 1994.

That due to the illegal alteration of Circuit Court Districts 4-1 and 4-3 by the Leflore County Board of Supervisors, over 450 voters have been denied the right to vote. Pursuant to Section 9-7-15 (c) the entire Central Greenwood Precinct is placed in Subdistrict 4-3. The Leflore County Board of Supervisors has illegally split Central Greenwood Precinct with

Subdistricts 4-1 and 4-3.

8. On Tuesday, December 2, 2014, pursuant to Miss. Code Ann. Section 23-15-911 (1972), Plaintiff filed a notice of examination of the contents of the ballot boxes used in the November 25, 2014 Runoff Election for the Fourth Circuit Court District, Subdistrict 3 in Leflore County, Mississippi, Sunflower County, Mississippi, and Washington County, Mississippi with the Circuit Clerks of each respective county and provided more than three (3) days notice of the proposed December 8, 9, and 15, 2014 examinations to Defendant.

9. Pursuant to Miss. Code Ann. Section 23-15-501 (1972), Leflore County, Mississippi, Sunflower County, Mississippi, and Washington County, Mississippi, utilized TSX voting machines on which votes are recorded by touching the screen of the intended candidate's position on the touch screen to conduct the November 25, 2014 Runoff Election for Fourth Circuit Court District, Subdistrict 3.

10. The December 8, 2014 examination of the contents of the ballot boxes, in the presence of the Leflore County Circuit Clerk, Elmus Stockstill, for the voting precincts within Fourth Circuit Court District, Sub-district 3 in Leflore County, Mississippi, revealed that there are unopened and uncounted affidavit ballots which were cast in the November 25, 2014 Runoff Election for Fourth Circuit Court District, Sub-district 3.

11. The December 9, 2014, examination of the contents of the ballot boxes in the presence of Sunflower County Circuit Clerk Sharon McFaddon for the voting precincts within Fourth Circuit Court District, Subdistrict 3 in Sunflower County revealed that there were at least nine (9) unopened and uncounted affidavits ballots which were cast in the November 25, 2014 runoff election for Fourth Circuit Court District, Subdistrict 3. Also, the examination revealed a

discrepancy in one precinct with more ballots cast than signatures in the Voters' Receipt Book and a discrepancy in the number of paper ballots counted and the number of paper ballots opened.

12. The December 10, 2014 examination of the contents of the ballot boxes in the presence of Washington County Circuit Clerk Barbara Parker for the voting precincts within Fourth Circuit Court District, Subdistrict 3 in Washington County revealed several unopened and uncounted affidavit ballots.

13. In the November 25, 2014, runoff election for Circuit Court Judge, Subdistrict 4-3, TSX Electronic Voting Machines were used to conduct the election. According to the November 25, 2014, runoff election results, the total votes cast for Plaintiff Perkins and Defendant Richard by counties are as follows:

(1) LEFLORE

<u>Voting Precincts</u>	<u>Perkins</u>	<u>Richard</u>
Central Greenwood	89	15
West Greenwood	41	8
Southwest Greenwood	150	35
North Itta Bena	202	187
South Itta Bena	63	51
Rising Sun	133	33
Sidon	39	41
Morgan City	17	41
Swiftown	5	18

South Greenwood	77	28
East Greenwood	<u>357</u>	<u>105</u>
	1,173	562

(2) SUNFLOWER

<u>Voting Precincts</u>	<u>Perkins</u>	<u>Richard</u>
Inverness	29	161
Moorhead	98	225
Indianola #2 West	34	123
Indianola #2 East	<u>153</u>	<u>291</u>
	314	800

(3) WASHINGTON

<u>Voting Precincts</u>	<u>Perkins</u>	<u>Richard</u>
Arcola Tech Center	41	54
Darlove	6	16
Hollondale City Hall	<u>91</u>	<u>270</u>
	138	340

14. According to the final certifications issued by the Leflore County Election Commission, the Sunflower County Election Commission and the Washington County Election Commission, the total votes, total machine votes, absentee ballot votes, curbside and affidavit votes cast and counted in the November 25, 2014 runoff election for Circuit Court Judge, Subdistrict 4-3 are as follows:

	<u>TOTAL VOTES</u>
Takiyah H. Perkins	1,625

15. Several of the absentee ballots cast for Defendant are in violation of the mandatory provision of Mississippi law due to lack of notary seal, lack of attesting witness or signature of voter or attesting witness did not cross the flap of envelope.

16. Several voters of Leflore County requested application for absentee ballots and absentee ballots and information and they either did not receive this information or received their application for absentee ballot and absentee ballot too late to submit the same by mail on the due deadline date.

17. The final vote in the Circuit Court Judge, Subdistrict 4-3 race for Leflore County, Sunflower County and Washington County as certified by the respective County Election Commission are erroneous, incorrect and fail to take into account over 450 voters in Leflore County who were denied the right to vote in 4-3, illegal absentee votes cast and counted and the uncounted affidavit/provisional ballots cast by legal voters.

IV. Causes of Action

First Cause of Action: Voters In Leflore County Denied Right To Vote

18. During the November 25, 2014 runoff election in Leflore County, Mississippi, over 450 voters of the Central Greenwood Precinct were denied their right to vote in Subdistrict 4-3. They were illegally placed in Subdistrict 4-1 and were not given an opportunity to vote for the candidate of their choice on the ballot in Subdistrict 4-3.

19. The Mississippi Supreme Court has held that the right to vote is an important badge of citizenship that should be treasured by all citizens, and Mississippi courts must

safeguard it accordingly.

20. Plaintiff requests this Court to order a revote in the Central Greenwood Precinct and any appropriate adjoining precinct where voters of the Central Greenwood Precinct may have been inappropriately placed into a different or wrong precinct.

Second Cause of Action: The Leflore County Election Commission, the Sunflower County Election Commission and the Washington County Election Commission Failed To Count Legal Affidavit Ballots Cast By Registered Voters

21. The allegations of paragraphs 1-20 are readopted and realleged herein.

22. During the November 25, 2014 runoff election for Circuit Court Judge, Sub-district 4-3, for yet unknown and undiscovered actual reasons, several voters had to cast affidavit ballots in the circuit court judge, subdistrict 4-3 runoff election because their names could not be found on the computerized poll books. The Election Commissions either intentionally, wrongfully overlooked and/or failed to locate the voters who cast affidavit/provisional ballots as registered voters on county/municipal records in these counties during the certification process.

23. There remains many affidavit/provisional ballots cast by these voters that are legal votes and should be counted by the court in order to determine which of the two candidates received the highest number of legal votes cast in the circuit court judge, subdistrict 4-3 runoff election and in order to determine the will of the electorate. The affidavit/provisional ballots were cast by legal voters, but remain uncounted and must be considered by the court as legal evidence.

Third Cause of Action : Illegal Votes Cast By Voters Who Are Actual Non-Residents Of Leflore, Sunflower and Washington Counties

24. The allegations of paragraphs 1-23 are readopted and realleged herein.

25. Upon information and belief, illegal votes were illegally cast in the November 25, 2014 runoff election for circuit court judge, subdistrict 4-3 by voters who are in fact non-residents of Leflore, Sunflower and Washington Counties who voluntarily moved to other counties.

26. Under Mississippi law, the foundation of one's domicile or residence is intent.

The intention may be established by physical presence, declaration of intent, and all relevant facts and circumstances. In this context, it has been long held that the declarations of the voter are more important. *Stubbs v. Stubbs*, 211 So.2d 821, 825 (Miss. 1968), so long as there is no inconsistent documentary evidence such as filing homestead exemption and purchase of car tags in other counties.

Fourth Cause of Action: Illegal Absentee Ballots Cast and Counted

27. The allegations of paragraphs 1-26 are readopted and realleged herein.

28. Some of the absentee ballots cast and counted in the November 25, 2014 runoff election for circuit court judge, subdistrict 4-3 fail to comply with statutory provisions relating to absentee ballots. The absentee votes cast are illegal, constitute violations of statutory voting procedures and are total departures from the fundamental provisions of Mississippi's absentee ballots law so as to destroy the integrity of the absentee ballots.

29. Several absentee ballot envelopes lack the signature of the voter or attested witness or one of the other signatures fail to cross the flap of the envelope or the mailed out application of a voter for reasons other than temporary or permanent disability, lacks a notary seal.

Fifth Cause of Action: Voter Fraud

30. The allegations of paragraphs 1-29 are readopted and realleged herein.

31. The actions and conducts of certain election commissioners and appointed poll workers of each county (Leflore, Sunflower and Washington) were not neutral and detached officials as mandated by state law, but openly and publicly supported Defendant and used their official positions and offices to favor and support Defendant, but also manipulated the electoral process to the detriment of the Plaintiff in violation of Mississippi law and election statutes.

32. That these irregularities and fraudulent conduct are of such gross nature that they have tainted the integrity of the entire election process; and placed a cloud over the declaration of Defendant as winner, or as the representative of the true result of the election, or the will of the voters.

WHEREFORE, Plaintiff requests this Honorable Court as follows:

- (a) that her Complaint be filed and receive expedited consideration on the request for revote;
- (b) the process be issued as provided by law and that the Defendant be served in accordance with law;
- (c) that the Court enter its Order finding that over 450 voters of the Central Greenwood precincts of Leflore County, MS, were denied their right to vote in the November 25, 2014 runoff election;
- (d) that the Court enters its Order for a revote in the Central Greenwood Precinct or any related split precinct where voters were illegally placed and denied the right to vote in the subdistrict 4-3 race;

- (e) that in the alternative a jury trial on the merits of this election contest be set and held at the earliest date practicable;
- (f) upon a hearing on the merits of this election contest the Court enter final judgment that:
 - (1.) declare Takiyah H. Perkins received the greatest number of legal votes in and is the winner of the November 25, 2014 Runoff Election for the Circuit Court Judge in subdistrict 4-3;
 - (2.) that in the event Defendant has taken office at the time of this Court's decision, issue a Writ of Quo Warranto removing Defendant from the office of Circuit Court Judge Subdistrict 4-3 and declaring Takiyah H. Perkins is entitled to hold this office;
 - (3.) Alternatively, in the event the Court finds that fraud vitiated the entire election and or the popular will cannot be determined, then it should declare a special election shall be held for the Circuit Judge Subdistrict 4-3 position between the parties; and
 - (4.) grant Plaintiff all other relief which this Court may determine to be just, proper and legal under the facts and circumstances occurring in the November 25, 2014 Runoff Election for Circuit Judge Subdistrict 4-3.

RESPECTFULLY SUBMITTED, this the 15th day of December, 2014.

TAKIYAH H. PERKINS

BY:



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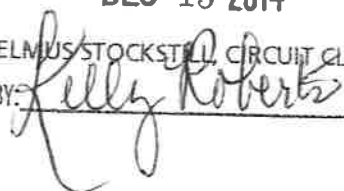
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FILED

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BY:  D.C.

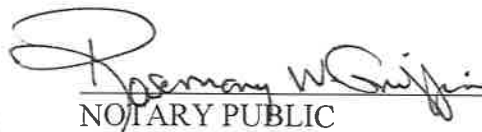
STATE OF MISSISSIPPI
COUNTY OF LEFLORE

Personally appeared before me, the undersigned notary public in and for the state and county aforesaid, the within named TAKIYAH H. PERKINS who swears upon her oath that the facts, allegations and matters set forth in the above and foregoing Complaint To Contest Election are true and correct as therein stated, upon her information and belief, and to the best of her knowledge.



TAKIYAH H. PERKINS

Witness my hand and official seal on this the 5th day of December, 2014.



NOTARY PUBLIC