

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

True the Vote, Jane Coln, Brandie Correro, §
Chad Higdon, Jennifer Higdon, Gene §
Hopkins, Frederick Lee Jenkins, Mary §
Jenkins, Tavish Kelly, Donna Knezevich, §
Joseph Knezevich, Doris Lee, Lauren Lynch, §
Norma Mackey, Roy Nicholson, Mark §
Patrick, Julie Patrick, Paul Patrick, David §
Phillee, Grant Sowell, Sybil Tribble, Laura §
VanOvershelde, and Elaine Vechorik §

Plaintiffs, §

v. §

Cause No. 3:14-cv-00532-HTW-LRA

The Honorable Delbert Hosemann, in his §
official capacity as Secretary of State for the §
State of Mississippi, The Republican Party of §
Mississippi, Copiah County, Mississippi §
Election Commission, Hinds County, §
Mississippi Election Commission, Jefferson §
Davis County, Mississippi Election §
Commission, Lauderdale County, §
Mississippi Election Commission, Leake §
County, Mississippi Election Commission, §
Madison County, Mississippi Election §
Commission, Rankin County, Mississippi §
Election Commission, Simpson County, §
Mississippi Election Commission, and Yazoo §
County, Mississippi Election Commission §

Defendants.

BILL OF PARTICULARS

Come now Plaintiffs True the Vote, et. al. and in accordance with the Court's instruction given July 16, 2014 at the initial status conference hearing, file this Bill of Particulars as follows:

(1) Plaintiffs have provided verified testimony indicating that absentee ballot applications have been thrown away at the direction of Executive Committee Members of the Republican Party of Mississippi¹;

(2) Plaintiffs have provided verified testimony that original poll books information is being destroyed with sharpie and white out pen²;

(3) Plaintiffs have verified the facts recited in their Motion for Temporary Restraining Order;

(4) In addition to the forgoing, True the Vote volunteers and the Mississippi voters listed below³ made requests⁴ for un-redacted voter poll books and voting records⁵, and were denied, from the following counties on the following dates:

Name	Date	County	Description of Request
Gregg Prentice	July 7, 2014	Copiah	Visited Circuit Clerk's office in the afternoon and orally requested access to absentee ballot applications, envelopes, voting poll books and voting records. Was told Mississippi law prohibited the general public from accessing any voter records.

¹ See Doc. 9-1 (verification to Motion for Temporary Restraining Order by Phillip C. Harding, III, indicating that provisional ballots had not been counted and that absentee applications and envelopes were thrown away).

² See Doc. 20-3 (Witness statement stating that Rankin County original poll books were altered with white-out pen); *see also* Doc. 20-4 (declaration that Harrison County original poll books were altered with sharpie and white-out pen).

³ This list is non-inclusive. Additional documented requests were made in Scott County, Winston County, Neshoha County, Jefferson County, Adams County, Noxubee County, Humphreys County, Issaquera County, Holmes County, Newton County and Kemper County.

⁴ True the Vote provided written notice to the Cochran Campaign (*See* Letter dated July 6, 2014 by Ms. Engelbrecht, attached hereto as Exhibit 1), the McDaniel Campaign (*See* Letter dated July 6, 2014 by Ms. Engelbrecht, attached hereto as Exhibit 3), Mississippi Democratic Party (*See* Letter dated July 6, 2014 by Ms. Engelbrecht, attached hereto as Exhibit 2), and the Mississippi Republican Party (*See* Letter dated July 6, 2014 by Ms. Engelbrecht, attached hereto as Exhibit 4) that True the Vote would be auditing election documents utilized in the June 24th Republican Senate Primary Runoff Election.

⁵ The Secretary of State appears to have taken the position the general public may not access voter records and that even if granted access, birth dates should be redacted pursuant to Mississippi law – thus indicating the heart of the matter – application of Mississippi state statute is in violation of federal law.

Jeanne Webb	July 7, 2014	Copiah	Written request to review poll books and absentee applications made. Was told that the documents were not available for review, and that the poll books would need to be redacted. ⁶
Melinda Kinley	July 7, 2014	Hinds	Made a written request ⁷ for voter poll books and other records with Ms. Wall to Election Commissioner Cochran and Hinds County Circuit Clerk's Office and was denied access to the run-off poll books.
Melinda Kinley	July 8, 2014	Hinds	Made a written request for voter poll books and other records with Ms. Wall from the Hinds County Circuit Clerk's Office and was denied access to poll books.
Ruth Wall	July 7, 2014	Hinds	Made a written request for voter poll books and other records to Election Commissioner Cochran and Hinds County Circuit Clerk's Office and was denied access to the run-off poll books.
Ruth Wall	July 8, 2014	Hinds	Made a written request for voter poll books and other records from Hinds County Circuit Clerk's Office and was denied access to poll books.
Jan Loar	July 7, 2014	Hinds	Made an oral request for voter records in Hinds County to Election Commissioner Cochran as part of a True the Vote volunteer group. Commissioner Cochran advised the volunteer group that the County would not make records available for copying or inspection. Later, the group made a handwritten request for voter records and submitted the request the Hinds County Circuit.

⁶ See "Incident Report" by Ms. Webb, dated July 7, 2014 (pertaining to Copiah County), attached hereto as Exhibit 5.

⁷ See written request by Melinda Kinley, filed with Circuit Clerk July 7, 2014, attached hereto as Exhibit 6.

Julia Hoenig	July 7, 2014	Jefferson Davis	Orally requested records from the Circuit Clerk's office. A deputy clerk named Michelle Williams advised that no electronic poll books, absentee ballot applications or envelopes would be provided to the general public. At a later visit, the volunteer group was advised any records made available would be subject to redacting dates of birth from such records.
Mike Rowley	July 7, 2014	Jefferson Davis	Went to the Circuit Clerk's office in person with a group of volunteers requesting voter poll books. The Circuit Clerk advised the group that no records would be made publically available for inspection and later told the group that records may be produced, provided voter birth dates were redacted from such records. ⁸
Karen Hobson	July 7, 2014	Lauderdale	Requested voter polls books and other records in writing and gave such request to the Circuit Clerk. The Clerk office advised that confidential information may need to be redacted from the records prior to their production. ⁹
John Hobson	July 7, 2014	Lauderdale	Requested voter polls books and other records in writing and gave such request to the Circuit Clerk. The Clerk office advised that confidential information may need to be redacted from the records prior to their production.

⁸ See Declaration of Mike Rowley, attached hereto at Exhibit 7.

⁹ See "Incident Report" by John and Karen Hobson, dated July 7, 2014 (pertaining to Lauderdale County request) attached hereto as Exhibit 8.

Ellen Swenson	July 7, 2014	Leake	Written request for voter rolls, poll books, absentee ballot applications, absentee ballot request forms, and absentee ballot envelopes. Was informed that AG instructed Clerk to make the poll books available, but only with the birthdates redacted therefrom at Ms. Swenson and Ms. Morse's cost. ¹⁰
Susan Morse	July 7, 2014	Leake	Written request for voter rolls, poll books, absentee ballot applications, absentee ballot request forms, and absentee ballot envelopes. Was informed that AG instructed Clerk to make the poll books available, but only with the birthdates redacted therefrom at Ms. Swenson and Ms. Morse's cost. ¹¹ Denied access to other records. ¹²
Steve Crampton	June 26, 2014	Lee	Orally asked to view poll books from Joyce Loftin in Lee County and was denied based on confidentiality concerns. Records were later produced but with birth dates redacted.
Sandi Steinbacher	July 7, 2014	Madison ¹³	Went to the Circuit Clerk's office in Madison County and requested access to voter rolls for copies or inspection. Circuit Clerk's office informed the records would not be made available pursuant to Mississippi law unless the group agreed to pay to redacted voter birth dates.

¹⁰ See "Incident Report" by Ms. Swenson, dated July 7, 2014 (pertaining to Leake County request) attached hereto as Exhibit 9.

¹¹ See "Incident Report" by Ms. Morse, dated July 7, 2014 (pertaining to Leake County request) attached hereto as Exhibit 10.

¹² See "Incident Report" by Ms. Morse, dated July 8, 2014 (pertaining to Leake County request) attached hereto as Exhibit 11.

¹³ See Letter from Madison County Circuit Clerk, dated July 8, 2014, attached hereto as Exhibit 12 (indicating that poll books must have birth dates redacted).

Mary Kathryn Armstrong	July 7, 2014	Madison	Went to the Circuit Clerk's office with a group of True the Vote volunteers. Made an oral request to Circuit Clerk's office for voter rolls. Circuit Clerk's office informed the records would not be made available to the general public for inspection pursuant to Mississippi law per Ms. Westbrook's instruction. The Clerk's Office advised that even if records would be made available, the records would have to be redacted of voter birth dates at a cost of \$.25 per page.
Jeanne Webb	July 7, 2014	Rankin	Visited Rankin County Circuit Clerk's office in person with Julia Hoenig to request access to poll books from Circuit Clerk Boyd. Completed written request for records at Clerk Boyd's direction. Clerk Boyd informed the volunteers that they would be granted access only to redacted records at a cost to them of \$.50/page or \$20/hour. Redacted information included dates of birth.
Gregg Prentice	July 8, 2014	Rankin	Visited Rankin County Circuit Clerk's office with a group of True the Vote volunteers and requested voter poll books and other records including absentee ballot applications and envelopes from Circuit Clerk Boyd, who advised that records would only be made available if redacted and she proceeded to redact voter birth dates on the first page of the original voter roll records.
Roy Nicholson	June 27, 2014	Rankin	Orally requested access to voter poll books from Circuit Clerk Boyd. Informed the clerk's office could not and would not make records available to the general public. ¹⁴

¹⁴ See Declaration of Roy Nicholson, dated July 16, 2014, attached hereto as Exhibit 13.

Mike Rowley	July 7, 2014	Rankin	Went to the Circuit Clerk's office in person with a group of volunteers requesting poll books and absentee applications, among other records. The group made an oral request for records to Circuit Clerk Boyd who initially advised them that no records would be made publically available. Circuit Clerk Boyd later advised that the records could be made available but only after redacting voter birth dates. She informed the group it would have to pay for the cost of such redaction.
Julia Hoenig	July 7, 2014	Rankin	Visited Rankin County Circuit Clerk's office in person with a group of True the Vote volunteers to request access to poll books from Circuit Clerk Boyd. The Circuit Clerk informed the volunteers they were not entitled, as members of the general public, to inspect absentee ballot applications or voter poll books. ¹⁵ The Clerk relied on Mississippi Statute 23-15-911 and instructions from the Secretary of State as grounds for the decision. After being instructed to fill out a request for the records, the group completed a written request for records, asking to review electronic poll books. Concerning the voter poll books, Clerk Boyd informed the volunteers that they would be granted access only to redacted records at \$.50/page or \$20/hour. Redacted information included dates of birth.

¹⁵ See "Incident Report" by Julia Hoenig, dated July 7, 2014 (concerning Rankin County), attached hereto as Exhibit 14.

Michael (“Mike”) Rowley	July 7, 2014	Simpson	Went to the Circuit Clerk’s office in person with a group of volunteers and made written request for voter poll books. ¹⁶ The Circuit Clerk advised the group that no records would be made publically available for inspection and later told the group that records may be produced, provided voter birth dates were redacted from such records. The group was further advised that the poll books were located at the “board of elections” rather than clerk’s office.
Gregg Prentice	July 8, 2014	Simpson	Visited Circuit Clerk’s office and orally requested access to absentee ballot applications and envelopes along with voter poll books. Was denied any access to absentee voter materials, based on circuit clerk’s interpretation of Mississippi law prohibiting and general public access to such records.
Julia Hoenig	July 7, 2014	Simpson	Requested (written) ¹⁷ records from the Circuit Clerk’s office. A deputy clerk named LuAnn Bailey offered the following day that the County could make voter poll books available only with redactions.
Roberta Swank	July 7, 2014	Yazoo	Requested to review absentee ballots and poll books from primary and run off. Was informed they must pay for a county employee to redact the poll book at \$1 page for 700 pages. Then informed they could not review other records because they did not have sufficient “credentials” and were “locked out”. ¹⁸

¹⁶ See “Incident Report” by Julia Hoenig, dated July 8, 2014 (with written records request signed by Mr. Rowley), attached hereto as Exhibit 15.

¹⁷ See Exhibit 15.

¹⁸ See “Incident Report” by Roberta Swank and Erin Anderson, dated July 7, 2014 (concerning Yazoo County), attached hereto as Exhibit 16.

A number of these volunteers, who also requested to review absentee ballot applications and the ballot envelopes, saw a number of disturbing things, including ballot envelopes that were marked as “accepted” (indicating they were counted) but never opened¹⁹, absentee ballot ID numbers that didn’t match the voter’s ID number in poll book²⁰, and double voting²¹. All occurrences are indicia of fraudulent voting activity to which the Republican Party has not properly responded as it pushed certification forward²², in violation of Plaintiffs’ constitutional rights.

¹⁹ See “Incident Report” by Ruth Weiss and Debra Jackson dated July 8, 2014, attached hereto as Exhibit 17.

²⁰ See “Incident Report” by Ruth Weiss and Debra Jackson dated July 8, 2014, attached hereto as Exhibit 18.

²¹ See “Incident Report” by Susan Moore dated July 9, 2014 (citing double voting in Noxubee County, Mississippi by Faye Ward), attached hereto as Exhibit 19; *see also* “Incident Report” by Susan Moore, dated July 9, 2014 (citing double voting in Noxubee County, Mississippi by Degardiques Mattox), attached hereto as Exhibit 20.

²² See Doc. 20-2 (Declaration of Kim Lunde with memorandum indicating certification of election results were required without properly allowing executive committee members to canvass the vote).

Respectfully submitted,

/s/ L. Eades Hogue

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CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2014 a copy of the foregoing instrument and accompanying exhibits were served on The Republican Party of Mississippi; the Copiah County, Mississippi Election Commission; the Hinds County, Mississippi Election Commission; the Jefferson Davis County, Mississippi Election Commission; the Lauderdale County, Mississippi Election Commission, the Leake County, Mississippi Election Commission, and the Madison County, Mississippi Election Commission; via the Court's e-file service. Plaintiffs have served the remaining Defendants, who have not yet registered to the Court's ECF system for this matter, via United States Postal Service, in accordance with Federal Rules of Civil Procedure.

/s/ L. Eades Hogue