Oral Argument Scheduled for February 27, 2012

No. 11-5349

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STEPHEN LAROQUE, ET AL.,

Appellants,

v.

ERIC H. HOLDER, JR., ATTORNEY GENERAL OF THE UNITED STATES, ET AL.,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA (NO. 10-561 (JDB))

APPELLANTS' RESPONSE TO THE ATTORNEY GENERAL'S MOTION TO DISMISS AS MOOT

MICHAEL E. ROSMAN
MICHELLE A. SCOTT
CENTER FOR INDIVIDUAL RIGHTS
1233 20th St. NW, Suite 300
Washington, DC 20036
Telephone: (202) 833-8400

MICHAEL A. CARVIN
Lead Counsel
HASHIM M. MOOPPAN
DAVID J. STRANDNESS
JONES DAY
51 Louisiana Ave. NW
Washington, DC 20001
Telephone: (202) 879-3939
Email: macarvin@jonesday.com

Counsel for Appellants

AMENDMENT TO CERTIFICATE AS TO PARTIES

After Plaintiffs-Appellants filed their opening brief, Plaintiff Klay Northrup moved out of Kinston, North Carolina, for occupational reasons. Accordingly, Northrup should no longer be treated as a party to this appeal. Northrup did not, however, present any unique legal claims or injuries, so his withdrawal from this suit has no effect on this Court's ability to adjudicate this appeal.

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INTRODUCTION

After Section 5 suspended Kinston's nonpartisan-elections referendum and the Attorney General denied preclearance by objecting, Plaintiffs-Appellants have spent nearly two years litigating this facial constitutional challenge to Section 5. JA 222-24. Now, however, just days before its briefing deadline and oral argument, DOJ claims *sua sponte* to have "reconsidered" and "withdr[awn]" its objection. *See* AG Motion at 2-4. By thus trying to moot Plaintiffs' unique and significant arguments that the 2006 amendments facially invalidate Section 5, DOJ is engaged in a desperate, brazen, and outrageous effort to manipulate the scope of this Panel's already-pending review of Section 5's facial constitutionality.

To be sure, DOJ portrays its abrupt reversal as "[p]rompted" by an innocent discovery of "a substantial change in operative fact." *See* AG Motion at 2-4. But that pretext is as transparent as it is implausible.[1] Indeed, Plaintiffs challenge DOJ

[1] Although DOJ emphasizes that blacks were "a majority of the electorate" in 2011 and had unprecedented success *under the partisan election* held last year, it does not quantify the size of the majority, let alone demonstrate that the majority was sufficiently large or cohesive that the black-preferred candidates could or would have won *without* the "crossover voting by whites" that DOJ previously claimed was "critical." *Compare* 2/12/10 Perez Letter at 2, *with* 8/17/09 King Letter at 1. This glaring omission is unsurprising, since the electoral data in 2012 is materially indistinguishable from the data in 2009. *Compare id.* (in 2008, blacks were an estimated 66.6% of total population and 64.6% of registered voters, yet a minority of actual voters in 3 of the past 4 general elections and maybe a "slight" majority in the fourth), *with* 2/12/10 Perez Letter at 2 (in 2011, blacks were 65.0% of voting-age population and 65.4% of registered voters, yet were (apparently) a minority of actual voters in 2009 and an (unquantified) majority in 2011).

to represent to this Court that the pendency of this appeal played no role in its decision-making concerning its purported "withdrawal" of the objection.

In all events, as explained below, defendants who self-servingly assert that their voluntary conduct has mooted a previously live case face a heavy burden: they must prove that (1) it is absolutely clear that judicial relief is not reasonably needed to prevent the alleged violation from injuring plaintiffs in the future, and (2) judicial relief is not likely capable of redressing the effects of the past alleged violation. Yet DOJ *cannot disprove the reasonable likelihood* of at least three possible injuries, any one of which keeps this facial challenge alive:

I. Section 5 will continue to injure Nix by forcing him to run in a partisan election in 2013, because DOJ's "withdrawal" of its objection is unauthorized and ineffectual.

II. Section 5 will injure Nix in the 2013 election by suspending another beneficial voting change in Kinston, especially given certain voting changes that may soon occur.

III. Section 5's invalidation will redress Nix's injury from the 2011 election, by enabling North Carolina officials or judges to order a new election under the nonpartisan referendum.

ARGUMENT

"The only conceivable basis for a finding of mootness in this case is [DOJ's] voluntary conduct" in purporting to "withdraw" its objection to Kinston's referendum. *Friends of the Earth, Inc. v. Laidlaw Environmental Servs. (TOC), Inc.*, 528 U.S. 167, 189 (2000). But the Supreme Court, "rightly refus[ing] to grant defendants such a powerful weapon against public law enforcement," *United States*

v. W.T. Grant Co., 345 U.S. 629, 632 (1953), has adopted a "stringent" standard "for determining whether a case has been mooted by the defendant's voluntary conduct," *Laidlaw*, 528 U.S. at 189. Namely, the defendant bears the "heavy burden" of proving that (1) it is "absolutely clear" that its "allegedly wrongful behavior could not reasonably be expected" to injure the plaintiff in the future, and (2) the "effects of the [past] alleged violation" "have [been] completely and irrevocably eradicated" to the extent feasible. *See id.* at 189-90; *Cnty. of Los Angeles v. Davis*, 440 U.S. 625, 631 (1979). DOJ ignores this settled standard. *See* AG Memo. at 4-9. As noted, DOJ fails to meet its burden for three reasons.

I. DOJ assumes that it granted "preclearance" to the referendum by purporting to "withdraw[]" its objection after *sua sponte* "reconsideration." *See* AG Motion at 2-5. But that assumption is legally mistaken. DOJ's "withdrawal" is *ultra vires*, and its validity simply cannot be decided conclusively here.

Section 5 generally bars the implementation of a voting change "unless and until" the D.C. district "court enters [a] judgment" awarding judicial preclearance. 42 U.S.C. § 1973c(a). Under the lone administrative preclearance exception, a change can be implemented "without [a judicial] proceeding *if* [it] has been submitted by the [covered jurisdiction] to the Attorney General *and* [he] has *not* interposed an objection *within sixty days after such submission*, or … has affirmatively indicated that such objection will not be made." *Id.* (emphases

added). But that exception is unavailable here, as DOJ *did* "interpose an objection within sixty days" of Kinston's final "submission," *see* 8/17/09 King Letter at 1, which means that Section 5's plain text continues to bar the referendum.

Critically, Section 5 *never* authorizes DOJ to "reconsider" or "withdraw" an objection *denying* preclearance. *Compare* 42 U.S.C. § 1973c(a), *with* 28 C.F.R. § 51.46(a). Moreover, it omits that authority even while expressly including authority for DOJ "to reexamine" a prior "affirmative indication" that it would be *granting* preclearance, so long as that reexamination occurs "during the … sixty-day period." 42 U.S.C. § 1973c(a). This "disparate" treatment of reexamination authority must be "presumed" to be "intentional[] and purpose[ful]." *See Russello v. United States*, 464 U.S. 16, 23 (1983). Indeed, Congress had good reason to deny DOJ *sua sponte* authority to revisit *long-final objections*: that power would seriously exacerbate the electoral uncertainty created by Section 5.[2]

Accordingly, DOJ cannot possibly meet *its* "heavy burden" of proving that it is "absolutely clear" that Nix's injuries from partisan elections are not "reasonably

[2] Of course, nothing in Section 5's text precludes a *new* "submission" of a previously-submitted change, thereby restarting the 60-day clock and enabling preclearance if DOJ accepts the re-submission. *See* 42 U.S.C. § 1973c(a). But that has no relevance here, since DOJ acted *sua sponte*. It is, however, essentially what occurred in *Harris v. Levi*, 416 F. Supp. 208, 209 (D.D.C. 1976). To the extent the district court there more broadly suggested that DOJ has "implied" "power to revoke objections," *see id.* at 211, that statement was *dicta*, flatly irreconcilable with the statutory text, and explicitly not appealed to this Court, *see Harris v. Bell*, 562 F.2d 772, 773-74 (D.C. Cir. 1977) (per curiam).

[likely] to recur" in 2013. *See Laidlaw*, 528 U.S. at 189; *see also Adarand Constructors, Inc. v. Slater*, 528 U.S. 216, 221-24 (2000) (per curiam) (challenge to a racially-preferential federal program was not mooted when a state certified that the white plaintiff should receive the preference, because the federal defendant had not proved that it would accept that strange certification). DOJ has not even proved that Kinston *will try* to implement the referendum based on the *ultra vires* "withdrawal" of the objection. Moreover, were the City to do so, voters in Kinston who doubt DOJ's pretextual analysis or otherwise oppose nonpartisan elections could sue in North Carolina federal court to enjoin the implementation due to the lack of preclearance. *Allen v. State Bd. of Elections*, 393 U.S. 544, 554-60 (1969). Neither DOJ nor this Court can predict—let alone be reasonably certain—whether a future *Allen* court would reject the "withdrawal" as void or uphold it as valid.

DOJ tries to evade this problem by claiming that its "withdrawal" is not subject to judicial review. *See* AG Br. at 7 n.4. That is doubly wrong. As a threshold matter, a future *Allen* suit would not be challenging "the Attorney General's exercise of discretion under § 5, or his failure to object within the statutory period." *Compare Morris v. Gressette*, 432 U.S. 491, 507 (1977). Rather, it would be arguing that the Attorney General *validly* "object[ed] within the statutory period" and has *no* "discretion" to reconsider, *id.*, making its withdrawal *ultra vires*. *Cf. Harris*, 562 F.2d at 773-74 (repeatedly emphasizing that a similar

argument was decided *on the merits* below and was *not* appealed). More fundamentally, DOJ cannot possibly prove to this Court *now* that it is absolutely clear that there is no reasonable likelihood that a future *Allen* court will hold *Morris* inapplicable and the "withdrawal" void. *See Adarand*, 528 U.S. at 221-24.

II. In any event, this is not an as-applied challenge to the referendum's suspension, but a *facial* constitutional challenge to Section 5. *See* JA 13-15, 222, 233; Pltfs. Br. 5-6. As the "allegedly wrongful behavior" is thus the preclearance *statute*, DOJ cannot conceivably satisfy its "heavy burden" of proving that it is "absolutely clear" that the "challenged conduct" cannot "reasonably be expected" to injure Nix during the 2013 election cycle. *See Laidlaw*, 528 U.S. at 189-90.

At most, "the government has merely con[tended]" that *the referendum* is no longer suspended "under [Section 5] for the reasons [specifically] advanced" here, while retaining its "free[dom] to reassert its [general] position" that Section 5 is facially valid in possible future situations where the suspension of *other* voting changes will again injure Nix. *See City of New York v. Baker*, 878 F.2d 507, 511-12 (D.C. Cir. 1989). Yet "the government cannot escape the pitfalls of litigation by simply giving in to a plaintiff's individual claim without renouncing the challenged policy," unless *it proves* that there is *no* "reasonable chance of the dispute arising again between the government and the same plaintiff." *See Legal Assistance for Vietnamese Asylum Seekers v. Dep't of State*, 74 F.3d 1308, 1311

(D.C. Cir. 1996) ("*LAVAS*"), *vacated on other grounds*, 519 U.S. 1 (1996).

For example, in *New York*, the State Department denied a visa application for an Italian official to address a peace rally, on the ground that allowing his mere entry into the country would be harmful to foreign affairs due to his membership in a disfavored organization. 878 F.2d at 508, 511. The Italian's visa sponsors sued, claiming that the relevant statute authorized visa denials only based on the applicant's expected domestic "activity," not based on his "mere entry" due to his extraterritorial conduct. *Id.* at 508. Roughly five years later, the Government moved to dismiss the case as moot. Although it still "ha[d] not renounced" "its [general] position" that visa denials can be based on harm from "mere entry," it argued that it no longer specifically applied that policy to deny visas where—as in the case of the Italian—the harm flowed from extraterritorial conduct that otherwise would be protected by the First Amendment. *See id.* at 511. This Court rejected that argument, invoking the "well settled" rule "that voluntary cessation of a challenged practice does not in and of itself moot a case when the party could renew it." *Id.* at 511-12. The case remained live because "the State Department would be free to reassert" its general policy of denying visas based on harm from "mere entry" "*if* [the Italian] filed a new visa application." *Id.* (emphasis added).

Likewise, in *LAVAS*, a visa applicant challenged the State Department's policy of refusing to process Vietnamese applications in Hong Kong. 74 F.3d at

1310. The Government argued that "the case ha[d] been mooted by its tender of the relief requested" when it "process[ed]" (and initially denied) "her [particular] application in Hong Kong." *Id.* at 1309-10. But this Court held that "[t]he State Department … [could not] show that it [was] '*absolutely clear* that the allegedly wrongful behavior could not reasonably be expected to recur,'" because it retained its "policy of refusing to process [such] applications … in Hong Kong," and she "would *presumably be free* to file another [one]." *Id.* at 1311 (emphasis added).

DOJ thus fundamentally errs in arguing that Plaintiffs must now establish "standing to bring … a forward-looking challenge" to Section 5 based on future injurious applications that are not "conjectural [or] hypothetical." *See* AG Motion at 7-8. The cases cited by DOJ did not involve mootness *caused by the defendant's voluntary conduct*, *see id.*, and thus DOJ is "plac[ing] the burden of proof on the wrong party." *Adarand*, 528 U.S. at 221-22. "The plain lesson of [the voluntary cessation] cases is that there are circumstances in which the prospect that a defendant will engage in (or resume) harmful conduct may be too speculative to support standing, but not too speculative to overcome mootness." *Laidlaw*, 528 U.S. at 190; *see also Adarand*, 528 U.S. at 223-24 (summarily reversing for failure to heed this lesson). Notably, this Court held that *New York* and *LAVAS* were not moot based on the mere possibility that the individuals there *could* file future visa applications, *not* the concrete likelihood that they would.

Here, DOJ cannot plausibly show that it is absolutely clear that Section 5 is not reasonably likely to injure Plaintiffs again. Most obviously, preclearance might well be denied for any one of numerous voting changes that would benefit Nix in the 2013 election. Indeed, as Representative LaRoque explains in an attached declaration, there are at least three potential changes that might well soon require preclearance: a change by the Kinston City Council to switch to district-based elections from at-large elections, a change by the North Carolina Legislature to mandate the use of at-large elections in Kinston, and another change by the Legislature to impose a "voter ID" requirement in Lenoir County. *See* Attachment A at ¶¶ 3-7. Depending on precisely how they would be implemented, any of these changes could be reasonably likely to benefit Nix but draw an objection.

Moreover, wholly apart from Nix, future applications of Section 5's amended standard to voting changes for elections held in Kinston will injure Plaintiffs by denying them "equal treatment" as white voters: both by imposing a racially-preferential "barrier" to "obtain[ing] [the] benefit" of enactment of their preferred changes, *see Ne. Fla. Chapter of the Asssoc. Gen. Contractors of Am. v. City of Jacksonville*, 508 U.S. 656, 666 (1993), and by imposing a "stigmati[c]" "racial classification" that "solely … effectuate[s]" the interests of black voters, *see United States v. Hays*, 515 U.S. 737, 744-45 (1995). The district court rejected these "equal treatment" injuries just because whites and blacks do not have 100%

racially polarized support for any given change, *see* JA 295-300, but the critical fact is that the sole function of the amended standard is to benefit minorities.[3]

III. Finally, facially invalidating Section 5 may well "eradicate[]" one of "the effects of the alleged violation." *See Davis*, 440 U.S. at 631. Nix would have a strong argument that the Board of Elections should "order a new election" because the erroneous use of the partisan system in 2011 was an "[i]rregularit[y] or impropriet[y]" that "taint[ed] the results of the entire election and cast doubt on its fairness." N.C.G.S. § 163-182.13(a)(4).[4] Invalidating Section 5 thus would be a judicially-ordered "change in a legal status" where "the practical consequence of that change would amount to a significant increase in the likelihood that [Nix] would obtain relief that directly redresses the injury suffered." *Utah v. Evans*, 536 U.S. 452, 464 (2002). Given that *Utah* upheld *standing* for that reason, DOJ certainly cannot satisfy its *mootness burden of disproving* the reasonable likelihood of such relief. *See Davis*, 440 U.S. at 625; *Laidlaw*, 528 U.S. at 189-90.

CONCLUSION

This Court should deny the Attorney General's motion to dismiss as moot.

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[3] Although Appellants did not challenge the district court's error in their opening brief, "the government's switch of position" justifies raising the issue now. *See Dynalantic Corp. v. Dept' of Defense*, 115 F.3d 1012, 1015 (D.C. Cir. 1997).

[4] *See also In re Protest of Atchison*, 666 S.E.2d 209, 211-12 (N.C. Ct. App. 2008) (ordering a broader election than had the Board); *cf. United States v. Onslow Cnty.*, 683 F. Supp. 1021, 1023-24 (E.D.N.C. 1988) ("This court certainly has the power to order an election in conformity with constitutional and legislative principles.").

February 21, 2012

Respectfully submitted

/s/ Michael A. Carvin

MICHAEL E. ROSMAN
MICHELLE A. SCOTT
CENTER FOR INDIVIDUAL RIGHTS
1233 20th St. NW, Suite 300
Washington, DC 20036
Telephone: (202) 833-8400

MICHAEL A. CARVIN
Lead Counsel
HASHIM M. MOOPPAN
DAVID J. STRANDNESS
JONES DAY
51 Louisiana Ave. NW
Washington, DC 20001
Telephone: (202) 879-3939
Email: macarvin@jonesday.com

Counsel for Appellants

CERTIFICATE OF SERVICE

I hereby certify that, on February 21, 2012, I caused four copies of the foregoing document to be filed with the clerk of this Court by hand delivery, and I electronically filed the original of the foregoing document with the clerk of this Court by using the CM/ECF system, which will serve the following counsel for Appellees at their designated electronic mail addresses:

Diana K. Flynn (Diana.K.Flynn@usdoj.gov)
Linda F. Thome (linda.thome@usdoj.gov)
Sarah E. Harrington (sarah.harrington@usdoj.gov)

Counsel for Defendant-Appellee

J. Gerald Hebert (ghebert@campaignlegalcenter.org)
Arthur B. Spitzer (artspitzer@gmail.com)

Counsel for Intervenor-Appellees

February 21, 2012

/s/ Michael A. Carvin
MICHAEL A. CARVIN
Counsel for Appellants

Attachment A

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

STEPHEN LAROQUE, ET AL.,	)	
	)	
Appellants,	)	
	)	
v.	)	No. 11-5349
	)	
ERIC H. HOLDER, JR.,	)	
ATTORNEY GENERAL	)	
OF THE UNITED STATES, ET AL.	)	
	)	
Appellees.	)	

DECLARATION OF STEPHEN LAROQUE

I, Stephen LaRoque, hereby declare:

1. I am one of the Plaintiff-Appellants in this case.

2. I am a resident and registered voter of Kinston, North Carolina.

3. I am a representative in the North Carolina House of Representatives, one of the two houses of the North Carolina General Assembly. I represent the Tenth District, which includes parts of the City of Kinston and Lenoir County.

4. The North Carolina General House of Representatives is not currently in session. When it returns this spring, I intend to introduce two "local bills" relating to voting in Kinston.

5. A "local bill" is a bill that relates to less than the entire state. The Governor cannot veto "local bills" enacted by the General Assembly that concern fewer than fifteen counties. By custom and practice, members of the General Assembly defer to the members whose districts are affected by a "local bill."

6. The first "local bill" I intend to introduce will preclude the creation of voting districts for electing the members of the Kinston City Council. Under Kinston's current system, the five members of the City Council are each selected in city-wide at-large elections. A majority of the current City Council, however, supports a district-based system for conducting nonpartisan elections in Kinston, under which the City would be carved into five voting districts, with each district selecting one member of the Council. *See* Exhibit 1 (news articles setting forth the positions of the three successful candidates in the November 2011 City Council election). For that reason and others, I believe that the City Council will soon attempt to change from an at-large system to a district-based system, now that the Justice Department has reversed its position on nonpartisan elections in Kinston. Indeed, the Board of Elections has informed me that it has already begun reviewing how to implement such a change. But it is my belief that electing Kinston City Council members on an at-large basis is preferable, because each member will represent the entire City and will be less likely to take a parochial view on the matters before the Council.

7. The second "local bill" I intend to introduce will require voters in Lenoir County to present a government-issued photo identification (with one available free of charge for those who lack one). A similar "voter ID" bill passed the General Assembly last year, but was vetoed by Governor Perdue. My "local bill" will bypass the need for the Governor's approval. It is my belief that these types of "voter ID" bills are modest and important steps to prevent potential fraud in voting.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this day, February 17, 2012.

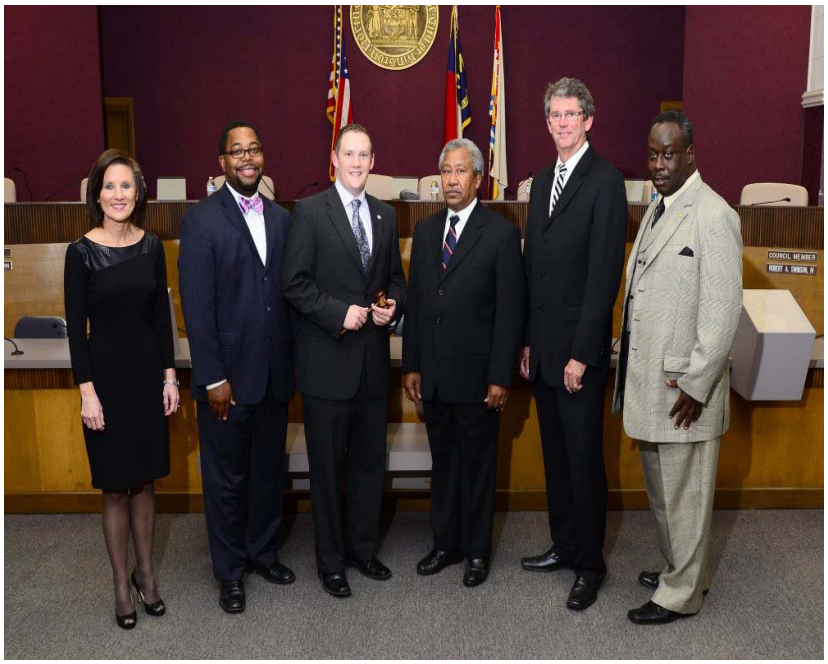
Stephen LaRoque

Exhibit 1

City Council

RESIDENTS

City Council



Kelly Jarman, Robert A. Swinson IV, Mayor BJ Murphy, Mayor Pro Tem Joseph Tyson, Bobby Merritt and Sammy C. Aiken

The City Council of Kinston is comprised of five Council members and the Mayor. The Council members and Mayor are elected to four year, staggered terms - meaning they don't all come up for re-election at once. They are elected "at-large" and they represent everyone in the city, as opposed to residents in certain districts. The Mayor is the chairman of the City Council, and leads all meetings of the Council. The Mayor is not, however, a voting member of the board, but may vote to break a tie, which is rare. When the Mayor is absent, the Mayor Pro Tem leads meetings. The Mayor Pro Tem is appointed by the Mayor and is always an elected City Council member.

The City Council meets in regular session in the City Council Chambers at City Hall on the first and third Mondays of each month at 7 pm. The meetings are broadcast live on Government Access Channel 2, and replayed at 10 am, 7 pm and Midnight daily.

The City Council holds a work session on the third Monday of each month at 5:30 pm in the City Council Chambers at City Hall. All City Council meetings, except those designated as Closed Sessions, are open to the public. Residents are encouraged to attend.

The City Council appoints the City Manager, the City Attorney, and the City Clerk.

The City Attorney acts as legal counsel for the City.

The City Manager oversees the City staff and day to day operations of the City.

The City Clerk is the custodian of all the official records for the City and serves as liaison between the Mayor/City Council and the public. Persons wishing to reach the Mayor, or a member of the City Council, should contact the City Clerk by telephone at 252-939-3115 or by email at christina.alphin@ci.kinston.nc.us .

Close Window

Sammy Aiken: ‘Kinston, we can do better’

David Anderson
2011-08-20 16:42:05

aiken-sammy

After generations of Americans have fought and died for the right to vote, Kinston City Council candidate Sammy C. Aiken is urging today’s Kinstonians to exercise that right.

“Whoever you vote for, use your right to vote,” he said. “People have died for you to vote; Kinston, we can do better, we can do much better.”

Aiken’s main goal, should he get on the City Council, is to improve the quality of life in a city he has called home for more than 20 years.

“I’d like to see the quality of life for the citizens of Kinston improved,” he said. “When you say quality of life: school system, jobs, just the appearance of Kinston; people drive in, they want to see the city more beautified.”

Aiken said that, to combat crime in the city, it is critical to have greater community involvement and strong families; also area nonprofits and churches must combine resources to fight the ills of society.

To reduce spending, he would look into combining some city and county departments, and privatizing certain city services.

To bring down electric bills, Aiken would encourage placing green energy sources, such as solar panels, on buildings, and even have certain companies convert to making such panels.

He said he was in favor of nonpartisan elections — as long as districts and wards are created — since it costs so much to put on a primary election that typically sees low turnout among local voters.

Aiken said he was “ambivalent” about involuntary annexation — he did not want to forcibly annex people who do not want to be in the city, but he said they are still using city facilities without directly paying for them.

David Anderson can be reached at 252-559-1077 or danderson@freedomenc.com.

Breakout:

To listen to the full podcast click on the candidates name and for Free Press Reporter David Anderson's profile click on the Kinston.com link.

Sammy Aiken

William Cooke: http://www.kinston.com/articles/william-75746-cooke-front.html

Ronnie Isler: http://www.kinston.com/articles/city-75747-ronnie-isler.html

Kelly Jarman: http://www.kinston.com/articles/jarman-75748-kelly-market.html

Joe Plasky: http://www.kinston.com/articles/voters-75749-joe-plasky.html

Joe Tyson: http://www.kinston.com/articles/work-75750-tyson-joe.html

KINSTON.COM

Kelly Jarman: 'Market the great things we have going on.'

David Anderson
2011-08-20 16:45:56

kelly-jarman

Kelly Jarman has lived in Kinston for 28 years, raised her family here, and said she is running for City Council to give back.

"The city has been good to me and my family, and by running for City Council, I felt like it was a good opportunity to give back to my city," she said.

Jarman's main goal, should she get on the City Council, would be to promote the positive things that have happened in Kinston in recent years.

"I just want to market the great things we have going on, so when people move to this area they will want to buy or rent a house in the city so they will have access to all these services," she said.

Jarman acknowledged the city must continue to progress, though. In order to fight crime, she encouraged citizens to work together with the police, citing a successful program in another community in which seniors worked hand-in-hand with police to spot crimes.

Regarding city spending, Jarman said she did not want to lay off any more employees, and did not want to cut services citizens count on. She said city employees can do many small things, such as turning off lights when not in use, to save money.

She said residents' electric bills will not come down until ElectriCities' debt is paid off. She does not expect Progress Energy or Duke Energy to buy the public assets "when their debts outweigh their assets."

Jarman also supports nonpartisan elections as long as districts and wards are created in the city. She said districts will ensure minority representation.

She said she is qualified to be a City Council member because she lives in the city, has worked with budgets, interacted with business and industry, and she plans to listen to residents and show evidence she is working to address their needs.

David Anderson can be reached at 252-559-1077 or danderson@freedomenc.com.

To listen to the full podcast click on the candidates name and for Free Press Reporter David Anderson's profile click on the Kinston.com link.

Kelly Jarman

Sammy Aiken: http://www.kinston.com/articles/kinston-75745-aiken-sammy.html

William Cooke: http://www.kinston.com/articles/william-75746-cooke-front.html

Ronnie Isler: http://www.kinston.com/articles/city-75747-ronnie-isler.html

Joe Plasky: http://www.kinston.com/articles/voters-75749-joe-plasky.html

Joe Tyson: http://www.kinston.com/articles/work-75750-tyson-joe.html

KINSTON.COM

Joe Tyson: 'Here to work with any and everyone'

David Anderson
2011-08-20 16:48:00

joe-tyson

Joe Tyson is willing to work with any citizen of Kinston in order to tackle the multiple issues currently facing the city.

"I'm concerned about the whole city of Kinston, not just one section of the city of Kinston, not just one group of people," he said. "I'm here to work with any and everyone."

Tyson has lived in Kinston for 18 years and is the lone incumbent running. His main goal, should he be returned to the City Council, would be to increase citizen involvement in improving Kinston's quality of life.

"I'm going to spend that time trying to my best to get the citizens of Kinston — all of the citizens of Kinston — more involved in what's going on in the city," he said.

Tyson said citizen involvement is critical to fighting crime. The police, citizens and community groups must come together, and he plans to tell citizens: "This is your city."

Regarding city spending, Tyson said he did not think the city is spending enough; he noted the city's workforce has been cut by about 50 percent over the years, and there were very few city services that could be reduced or eliminated without angering citizens.

He said the only way to reduce electric bills would be to get out of the electric business, and sell off assets in about 10 years, once more of the debt is retired.

Tyson also supports nonpartisan voting, if districts and wards are created to ensure the entire city is represented on the council.

He said the perception of Kinston's crime and Lenoir County's school system must change if new business is to come to the area. That can be done by reducing crime, rebuilding the city and working with the school board to change the perception of public schools.

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Joe Tyson

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