

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

**MISSISSIPPI STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE, et al**

PLAINTIFFS

v.

NO. 3:11-cv-159 DPJ FKB

PHIL BRYANT, et al

DEFENDANTS

and

**APPORTIONMENT AND ELECTIONS COMMITTEE
OF THE MISSISSIPPI HOUSE OF REPRESENTATIVES, et al**

INTERVENORS

**RESPONSE OF MISSISSIPPI DEMOCRATIC PARTY EXECUTIVE COMMITTEE TO PLAINTIFFS' MOTION
TO SET ASIDE 2011 LEGISLATIVE ELECTION RESULTS AND ORDER SPECIAL LEGISLATIVE ELECTIONS IN
2013**

Defendant Mississippi Democratic Party Executive Committee, by and through its undersigned attorney, responds to the Motion of the Plaintiffs to set aside the 2011 Mississippi legislative elections and to order a special election in 2013 [Doc. No. 140] and for leave to amend their complaint [Doc. No. 142], as follows:

The MDEC is an eighty (80) member body and has not convened to decide a position on the plaintiffs' pending motions. Party Chairman Rickey Cole, who is extremely familiar with the positions of Democratic legislators, party activists and representatives of related constituencies, has concluded that the predominant sentiment in the Party is against the district court setting aside the 2011 legislative election results and ordering a special legislative election to be held in 2013. Chairman Cole has read the district court's opinion and order issued on May 16, 2011 [Doc. No. 124] and the briefs of the parties relating to the pending motions. Chairman Cole further relates that there is a strong sentiment, particularly among Democrats in the Mississippi House of Representatives, that the plaintiffs should be given leave to proceed with a Section 2 suit against the State regarding the 2012 legislative plans and that, in the event the district court declares the current House and Senate plans invidious, the district

court should draw new lines and order a court crafted redistricting plan to be used in the scheduled 2015 primary and general elections.

The MDEC hopes that the views expressed above will be of benefit to the Court.

The plaintiffs, the governor and the attorney general have briefed the salient legal issues. For this reason and because of the straightforward nature of our response, the MDEC respectfully requests that it be allowed to forego filing a separate memorandum of authorities.

Respectfully submitted, this the 30th day of October, 2012

**MISSISSIPPI DEMOCRATIC PARTY
EXECUTIVE COMMITTEE**

By: /s/ Samuel L. Begley
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CERTIFICATE OF SERVICE

I, Samuel L. Begley, hereby certify that on October 30, 2012, I caused the above and foregoing to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

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