

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

JOHN ROBERT SMITH, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:01cv855-HTW-EGJ-DCB

**ERIC CLARK, Secretary of State of Mississippi;
ET AL.**

DEFENDANTS

Consolidated with

KELVIN BUCK, ET AL.

PLAINTIFFS

VS.

**HALEY BARBOUR, in his official capacity as
Governor of the State of Mississippi, ET AL.**

DEFENDANTS

**THE GOVERNOR'S AND THE ATTORNEY GENERAL'S
JOINDER IN MOTION TO VACATE AND FOR OTHER RELIEF**

The Governor and the Attorney General, sued here in their official capacities,* hereby join in the Mississippi Republican Executive Committee's request that the Court establish an expedited schedule and procedure for determining whether to vacate its current injunction and whether 2022 House Bill 384 satisfies all state and federal statutory requirements, as set forth in the MREC's motion to vacate injunction and for other relief, [Dkt. 143]. The Governor and the Attorney General further hereby adopt and incorporate the arguments and grounds for that requested relief set forth in the MREC's motion and supporting memorandum, [Dkt 143, 144].

* Governor Tate Reeves and Attorney General Lynn Fitch are automatically substituted for their predecessors-in-office as defendant parties. *See* Fed. R. Civ. P. 25(d).

A true and correct copy of 2022 House Bill 384, as signed into law by the Governor on January 24, 2022, is affixed hereto as Exhibit “1.”

Dated: January 24, 2022

Respectfully submitted,

LYNN FITCH
Attorney General

By: /s/ Justin L. Matheny
Justin L. Matheny (Bar No. 100754)
Deputy Solicitor General
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*Counsel for Defendants
Governor Tate Reeves and
Attorney General Lynn Fitch*

STATE OF MISSISSIPPI

Office of the Governor



TO THE MISSISSIPPI HOUSE OF REPRESENTATIVES

MESSAGE FROM THE GOVERNOR

January 24, 2022

I am directed by the Governor to advise you that he has approved the following House Bill(s) on **January 24, 2022.**

H.B. 384: Mississippi Congressional District Reapportionment (*signed 7:45 a.m.*)

Respectfully submitted,

A handwritten signature in blue ink that reads "Ginny Zirulnik".

Ginny Zirulnik, Legislative Aide

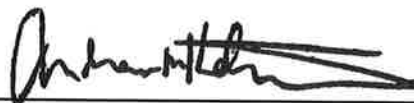


EXHIBIT 1

Chapter No. _____
22/HR43/R1367
LB / AM

HOUSE BILL NO. 384

Originated in House



Clerk

HOUSE BILL NO. 384

AN ACT TO AMEND SECTION 23-15-1037, MISSISSIPPI CODE OF 1972, TO REAPPORTION THE CONGRESSIONAL DISTRICTS OF MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 23-15-1037, Mississippi Code of 1972, is amended as follows:

23-15-1037. (1) The State of Mississippi is hereby divided into * * * four (4) congressional districts below:

FIRST DISTRICT. - The First Congressional District shall be composed of the following counties and portions of counties:

Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, DeSoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster * * *; * * * in Oktibbeha County, the precincts of Self Creek/Double Springs, Maben and *Sturgis/North Bradley * * *.

SECOND DISTRICT. - The Second Congressional District shall be composed of the following counties and portions of counties:

Adams, Amite, Attala, Bolivar, Carroll, Claiborne, Coahoma, Copiah, Franklin, Grenada, Holmes, Humphreys, Issaquena, Jefferson, Leake, Leflore, Montgomery, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tunica, Warren, Washington, Wilkinson, Yalobusha, Yazoo; * * * in Hinds County Precincts 1, 2, 4, 6, 10, 11, 12, 13, *16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 37, 38, 39, 40, 41, 42, 43, 45, *46, 47, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84 * * *, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, and the precincts of Bolton, Brownsville, Byram 1, Byram 2, Byram 3, Cayuga, Chapel Hill, Clinton 1, Clinton 2, Clinton 3, Clinton 4, Clinton 5, Clinton 6, Clinton 7, Cynthia, Dry Grove, Edwards, Learned, Old Byram, Pine Haven, Pocahontas, Raymond 1, Raymond 2, Spring Ridge, St. Thomas, Terry 1, Terry 2, Tinnin, Utica 1 and Utica 2; * * * in Madison County the precincts of * * * Anderson Lodge, * * * Camden, Cameron, Canton Bible Church, Canton Catholic Parish Center, Canton Community Center, Canton Fire Station #4, *Canton National Guard Armory, Canton South Liberty, Canton St. Paul Methodist, Cedar Grove, *Colonial Heights, Couparle, Farmhaven Fire Station, Greater Mt. Levi Church, Madison County Baptist Family Life Center, Magnolia Heights, * * * Mount Hope, Pleasant Gift Church, Pleasant Green, Tougaloo * * *.

THIRD DISTRICT. — The Third Congressional District shall be composed of the following counties and portions of counties:

Clarke, Covington, * * * Jasper, Jefferson Davis, Kemper, Lauderdale, * * * Lawrence, Lincoln, Marion, Neshoba, Newton, Noxubee, * * * Pike, Rankin, Scott, Simpson, Smith, Walthall, Winston; * * * in Hinds County the precincts of 8, 9, 14, *16, 17, 32, 33, 34, 35, 36, 44, *46 and 78; in Jones County the precincts of * * * Matthews, Shady Grove, Sharon, * * * and Sandersville Civic Center * * *; * * * in Madison County * * * the precincts of First Presbyterian, *Canton National Guard Armory, China Grove, *Colonial Heights, Fellowship Baptist Church, Ferns Chapel Freewill, First Baptist, Franklin Bible Church, Gluckstadt, Grace Crossing, Highland Colony Baptist Church, Lake Caroline Clubhouse, Mark Apartments, New Life, NorthBay, Parkway Church, Ridgeland First Methodist Church, Ridgeland Recreational Center, SunnyBrook, Trace Ridge, Twin Lakes Baptist, Vertical Church, Victory Baptist Church and Victory Christian; * * * in Oktibbeha County * * * the precincts of Bell Schoolhouse, Center Grove/North Adaton, Central Starkville, Craig Springs/South Bradley, East Starkville, Hickory Grove/Southeast Oktibbeha, Needmore Voting District, North Longview, North Starkville 2, North Starkville 3, Oktoc, Osborn, Sessums, South Adaton, South Longview, South Starkville, *Sturgis/North Bradley and West Starkville * * *.

FOURTH DISTRICT. — The Fourth Congressional District shall be composed of the following counties and portions of counties:

* * * Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl River, Perry, Stone, Wayne; * * * in Jones

County * * * the precincts of Antioch, Blackwell, Bruce, Calhoun, Centerville, County Barn, Currie, Erata, G.V. Harrison Multipurpose Building, Gitano, Glade School, Hebron, Johnson, Landrum Community Center, Lt. Ellis Center, Magnolia Center, Mauldin Community Center, Moselle, Myrick, North Laurel, Oak Park School, Ovet, Parkview Baptist Church, Pinegrove, Pleasant Ridge, Powers Community Center, Rainey, Rustin, Sandhill, Shelton, Soso, Tuckers, Union and West Ellisville.

* * *

(2) The boundaries of the congressional districts described in subsection (1) of this section shall be the boundaries of the counties * * * along such congressional district boundaries as the boundaries of such counties existed on January 1, 2022, and the precinct boundaries along such congressional district boundaries as such precinct boundaries are contained in Census Bureau's P.L. 94-171 geographic support products provided for use with the September 16th data deliveries officially called the "2020 Census State Redistricting Data (Public Law 94-171) Summary Files."

SECTION 2. Partial or split precincts contained in Section 1 are identified in Section 1 by an asterisk (*) which shall precede its designation within the description of a district. The Chair and Vice Chair of the Standing Joint Congressional Redistricting Committee shall file with the Secretary of State the Split Precinct Block List developed in conjunction with the plan contained in this House Bill No. 384, 2022 Regular Session, that

details the portions of the partial or split precincts that are contained within a district by census block number, and such document duly filed with the Secretary of State is hereby incorporated into and shall be construed to be an integral part of this House Bill No. 384, 2022 Regular Session.

SECTION 3. (1) This act shall be liberally construed to effectuate the purposes thereof and to redistrict the Congressional Districts of this state in compliance with constitutional requirements. It is the intent of the Legislature that this act, and the districts described herein, completely encompass all the area within the state. It is also intended that such districts contain all the inhabitants in this state. It is further intended that the redistricting provided for in this House Bill No. 384, 2022 Regular Session, results in the creation of districts which are as close to equal in population as practicable. It is also intended that no district shall include any of the area included within the description of any other district.

(2) If the districts described in Section 1 do not carry out the purposes thereof, because of unintentional omissions; duplications; overlapping areas; erroneous nomenclature; lack of adequate maps or descriptions of political subdivisions, wards or other divisions thereof, or of their boundary lines, then the Secretary of State, at the request of the Chair or Vice Chair of the Standing Joint Congressional Redistricting Committee shall, by

order, correct such omissions, overlaps, erroneous nomenclature or other defects in the description of districts so as to accomplish the purposes and objectives of this House Bill No. 384, 2022 Regular Session.

(3) In promulgating such orders, the Secretary of State, in addition to achieving equality in the population of districts and ensuring that all areas of the state are completely and accurately encompassed in such districts, shall be guided by the following standards:

(a) In any instance in which there is a conflict between the description of a district as set out in this House Bill No. 384, 2022 Regular Session, and the map of the Congressional Districts developed by the Standing Joint Congressional Redistricting Committee in conjunction with the adopted redistricting plan, the map shall control; however, in instances in which the map is inconclusive, the criteria set out in paragraphs (b) through (f) shall control House Bill No. 384, 2022 Regular Session, and any dispute or issue regarding the composition of any Congressional District;

(b) Gaps in the description of any district shall be completed in a manner which results in a total description of that district in a manner which is consonant with the description of adjacent districts and results in complete contiguity of districts;

(c) Areas of the state included within the descriptions of more than one (1) district shall be allocated to the district having the lowest population;

(d) Areas of the state not included within the descriptions of any district shall be allocated to the adjacent district having the lowest population;

(e) In the event that the area subject to corrected description or allocation as provided in paragraphs (b), (c) and (d) of this subsection is of such size or contains such population that its inclusion as a unit in any district would result in substantial disparity in the size, shape or population of such district, then the Secretary of State may allocate portions of such area to two (2) or more districts; and

(f) In any allocation of area or correction of descriptions made pursuant to this House Bill No. 384, 2022 Regular Session, the Secretary of State shall, consistent with the foregoing standards, preserve the contiguity and compactness of districts and avoid the unnecessary division of political subdivisions.

(4) Copies of such orders shall be filed by the Secretary of State in his or her own office and in the offices of the affected election commissioners and registrars. The Secretary of State may adopt reasonable rules regulating the procedure for applications for orders under this House Bill No. 384, 2022 Regular Session, in the manner of serving and filing any notice or copy of orders

relating thereto. Upon the filing of such an order, the description of any affected district shall be deemed to have been corrected in the manner provided in such order to the full extent as if such correction had been contained in the original description set forth in this House Bill No. 384, 2022 Regular Session.

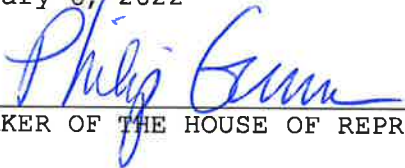
SECTION 4. The Standing Joint Congressional Redistricting Committee is directed to provide all information necessary to assist the counties in identifying the boundaries of the districts described in Section 1.

SECTION 5. The redistricting contained in Section 1 shall supersede any prior redistricting, and any prior redistricting shall be null and void upon the date this House Bill No. 384, 2022 Regular Session, is effectuated.

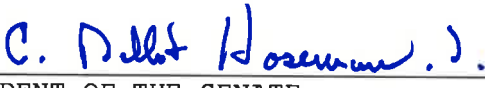
SECTION 6. If any paragraph, sentence, clause, phrase or any part of this bill is declared to be unconstitutional or void or if for any reason is declared to be invalid or of no effect, the remaining paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

SECTION 7. This act shall take effect and be in force from
and after its passage.


PASSED BY THE HOUSE OF REPRESENTATIVES
January 6, 2022


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
January 12, 2022


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

1-24-2022

7:45 A.M.