

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**ROBERT FOSTER; KATIE LIGON; KIRBY CARTER;
AND JOHN T. WILLIAMS**

PLAINTIFFS

VS.

CIVIL ACTION NO.: 3:26-CV-181-SA-JMV

THE STATE OF MISSISSIPPI, et al.

DEFENDANTS

PLAINTIFFS' PROPOSED FINDINGS OF FACT AND CONCLUSIONNS OF LAW

Plaintiffs Robert Foster, Katie Ligon, Kirby Carter, and John T. Williams ("Plaintiffs") submit these Proposed Findings of Fact and Conclusions of Law in connection with the hearing on their Urgent and Necessitous Motion for Preliminary Injunction held before the Court beginning on July 31, 2026. Plaintiffs reserve the right to amend and/or supplement their Proposed Findings of Fact and Conclusions of Law at any time prior to entry of final judgment.

INTRODUCTION

1. House Bill 1544 (2025 Regular Session, H.B. 1544) and Senate Bill 2768 (2025 Regular Session, S.B. 2768) create a majority-minority subdistrict based on geography and race, depriving more than 86% of voters in DeSoto County of the right to elect two additional DeSoto County Circuit and Chancery judges, while the remaining 14% of voters in DeSoto County enjoy the exclusive right to vote for all of DeSoto County's Circuit and Chancery judges simply because they live in this new majority-minority subdistrict. That is blatantly unlawful.

2. Whether that constitutes mere discrimination based on homesite (as is apparent from the text of the statute) or race (as is clear from contemporaneous statements from the author of the statutory language, the materials considered by the Legislature, statistics, and context), strict scrutiny applies, and the State cannot overcome it where the only nonracial interest in passing H.B. 1544 and S.B. 2768, as they relate to DeSoto County, was to give DeSoto County more judges.

There was no compelling interest proffered, much less proven, by the State to justify this majority-minority subdistrict and thus such a majority-minority subdistrict was not (and could not have been) narrowly tailored, *i.e.*, necessary, to achieve that absent compelling State interest.

PROCEDURAL BACKGROUND

3. Plaintiffs sued the State of Mississippi, the State Board of Election Commissioners (“SBEC”), and Governor Tate Reeves, Attorney General Lynn Fitch, and Secretary of State Michael Watson, in their official capacities (collectively, the “State Defendants”) on July 2, 2026, alleging that H.B. 1544 and S.B. 2768 violate the U.S. Constitution, the Voting Rights Act, and the Mississippi Constitution,¹ insofar as they each create a majority-minority subdistrict in DeSoto County that deprives voters living outside the subdistrict of the right to vote for the Place Three chancellor in the Seventeenth Chancery Court District (DeSoto County) and the Place Four circuit judge in the Twenty-first Circuit Court District (DeSoto County) and dilutes the voting strength of white voters living inside the subdistrict.

4. On the day the Complaint was filed, Plaintiffs filed an urgent and necessitous Motion for Preliminary Injunction, requesting that the Court enjoin Defendants from using H.B. 1544 and S.B. 2768 in the upcoming November 2026 elections for the Place Three chancellor and Place Four circuit judge and an order granting any one of several forms of relief, *see* Pl.’s Reply, ECF Doc. No. 50, at 11–13:

- a. Order a special election to occur on November 3, 2026, the same day as the currently scheduled general election, for the two judicial posts at issue, setting a new one-week qualifying period

¹ Plaintiffs recognize that their Mississippi Constitution claim is foreclosed by *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89 (1984), and therefore abandon that claim.

- i. beginning on August 13 and ending on August 20, which is the current statutory special election qualifying deadline;
 - ii. beginning on August 20 and ending on August 27 before the previously anticipated meeting of the SBEC on August 31;
 - iii. beginning on August 27 and ending on September 3 before the flexible deadline for the Secretary of State of publish a sample ballot; or
- b. Order special elections for the two judicial posts at issue to occur in November 2027, giving the State Legislature an opportunity to rectify the subdistrict issue, and which would permit the Governor to appoint a judge and chancellor in the interim due to the vacancy that would be created by such an order.

5. Plaintiffs' Motion for Preliminary Injunction was followed by a motion to intervene by Malenda Meacham on July 8, 2026. *See* Intervenor Meacham's Motion ECF Doc. No. 15 and Intervenor Meacham's Memo. ECF Doc. No. 16.

6. On July 15, 2026, the Court set the hearing on Plaintiffs' Motion for Preliminary Injunction to begin on July 31, 2020. Notice of Hearing, ECF Doc. No. 29.

7. A separate motion to intervene was then filed by the DeSoto County Branch of the National Association for the Advancement of Colored People ("DeSoto Branch NAACP") and Delta Sigma Theta Sorority, Inc. ("DST") on July 16, 2026. *See* Intervenor NAACP and DST's Motion ECF Doc. No. 32 and Intervenor NAACP and DST's Memo. ECF Doc. 33.

8. After both the motions to intervene were fully briefed by the respective parties, the State Defendants filed their answer to Plaintiffs' Complaint on July 23, 2026. *See* State Defs.' Answer ECF Doc. No. 46.

9. Prior to the preliminary injunction hearing, the Court granted both motions to intervene and permitted Meacham, DeSoto Branch NAACP, and DST to intervene as defendants in this action. *See* ECF Doc. No. 57.

10. Beginning on July 31, 2026, the Court held a hearing on Plaintiffs' Motion for Preliminary Injunction. Plaintiffs presented live testimony from Representative Dan Eubanks, Robert Foster, Katie Ligon, Sissie Ferguson, Judith Wammack, Laura Henderson-Courtney, and Brandi Johnson, and offered numerous exhibits as evidence in support of their claims.

11. The State Defendants presented live testimony from Malenda Meacham and offered several exhibits.

12. The Intervenor Defendants presented no testimony but offered several exhibits.

PROPOSED FINDINGS OF FACT

I. The Parties

13. Plaintiff Foster resides in DeSoto County, Mississippi. He is a white U.S. citizen and a lawfully registered voter who resides in the Twenty-first Circuit Court District established by H.B. 1544 and in the Seventeenth Chancery Court District established by S.B. 2768. P.I. Hrg. Tr. at 340:3–34. Foster does not reside within the majority-minority subdistrict in either the Twenty-first Circuit Court District or the Seventeenth Chancery Court District established by H.B. 1544 and S.B. 2768. P.I. Hrg. Tr. at 343:21–25

14. Plaintiff Ligon resides in DeSoto County, Mississippi. She is a mixed-minority (“half Asian and half Caucasian”) U.S. citizen and a lawfully registered voter who resides in the Twenty-first Circuit Court District established by H.B. 1544 and in the Seventeenth Chancery Court District established by S.B. 2768. P.I. Hrg. Tr. at 212:15–25–213:1–9. Ligon does not reside within the majority-minority subdistrict in either the Twenty-first Circuit Court District or the

Seventeenth Chancery Court District established by H.B. 1544 and S.B. 2768. *Ibid.*; P.I. Hrg. Tr. at 215:4–6.

15. Plaintiff Carter resides in DeSoto County, Mississippi. *See* ECF Doc. No. 1. She is a white U.S. citizen and a lawfully registered voter who resides in the Twenty-first Circuit Court District established by H.B. 1544 and in the Seventeenth Chancery Court District established by S.B. 2768. *Id.* Carter resides within the majority-minority subdistrict established by H.B. 1544 and S.B. 2768 in the Twenty-first Circuit Court District and the Seventeenth Chancery Court District. *Id.*

16. Plaintiff Williams resides in DeSoto County, Mississippi. *Id.* He is a U.S. citizen and a lawfully registered voter who resides in the Twenty-first Circuit Court District established by H.B. 1544 and in the Seventeenth Chancery Court District established by S.B. 2768. *Id.* Williams does not reside within the majority-minority subdistrict in either the Twenty-first Circuit Court District or the Seventeenth Chancery Court District established by H.B. 1544 and S.B. 2768. *Id.*

17. Defendant the State of Mississippi is one of the fifty states making up the United States of America and is obligated to ensure that its laws are consistent with federal law, as well as those provisions of the United States and Mississippi Constitutions.

18. Defendant SBEC is composed of the Governor of Mississippi, the Mississippi Attorney General, and the Mississippi Secretary of State. Miss. Code Ann. § 23-15-211(1). “The duties of the board shall include, but not be limited to, . . . [a]pproving the state ballot for the offices [the “statewide, Supreme Court, Court of Appeals, congressional district, circuit and chancery court district, and other state district offices”].” *Id.* at (2)(b).

19. Defendant Tate Reeves is the Governor of the State of Mississippi and is a member of the SBEC. Miss. Code Ann. § 23-15-211. He is “vested” with “[t]he chief executive power of [Mississippi]” and “shall see that the laws are faithfully executed.” MISS. CONST. Art. V, §§ 116, 123. He also has the “power to convene the Legislature in extraordinary session whenever, in his judgment, the public interest requires it.” MISS. CONST. Art. V, § 121. He possesses the exclusive authority to not only commission those judges elected to the bench but also to fill vacancies as they arise in both circuit and chancery courts within the state. Miss. Code Ann. § 9-1-103; *see also* Miss. Code Ann. § 23-15-289.

20. Defendant Lynn Fitch is the Mississippi Attorney General and is a member of the SBEC. Miss. Code Ann. § 23-15-211. In her role as Attorney General, she is “the chief legal officer and advisor for the state, both civil and criminal, and is charged with managing all litigation on behalf of the state” Miss. Code Ann. § 7-5-1. She “shall intervene and argue the constitutionality of any statute” *Id.* She is also vested with all powers of the Attorney General held at common law, including “the right to institute, conduct and maintain all suits necessary for the enforcement of the laws of the State, preservation of order and the protection of public rights.” *See, e.g., Fitch v. White*, 434 So. 3d 270, 273–74 (Miss. 2026); *Gandy v. Reserve Life Ins. Co.*, 279 So. 2d 648, 649 (Miss. 1973).

21. Defendant Michael Watson is the Mississippi Secretary of State and is a member of the SBEC. Miss. Code Ann. § 23-15-211. Among other things, he “shall perform . . . duties as may be required of him by law.” MISS. CONST. Art. V, § 133. Mississippi law designates the Secretary of State as “the chief election officer of the State of Mississippi.” Miss. Code Ann. § 23-15-211.1. “Returns of all elections by the people shall be made to the Secretary of State in such

manner as shall be provided by law.” MISS. CONST. Art. IV, § 114. “All commissions shall be . . . attested by the Secretary of State.” MISS. CONST. Art. V, § 127.

22. Intervenor-Defendant Malenda Meacham is a candidate for the Place Three chancellorship in the Seventeenth Chancery Court District, which is elected exclusively from the subdistrict created in DeSoto County by S.B. 2768. *See* P.I. Hrg. Tr. at 791:24–25.

23. Intervenor-Defendants DeSoto Branch NAACP and DST (the NAACP Intervenor) presented no evidence or testimony regarding its organization or purpose at the preliminary injunction hearing. But their motion to intervene provides allegations regarding its organization, membership, and interest in this litigation. *See* Intervenor NAACP and DST’s Motion ECF Doc. No. 32 and Intervenor NAACP and DST’s Memo. ECF Doc. 33.

II. Mississippi Circuit and Chancery Courts

24. The Mississippi Circuit and Chancery Courts are established by Article 6 of the Mississippi Constitution. Miss. Const. Art. VI, §§ 152, 156, 159–60.

25. According to the Mississippi Constitution, within five years after each federal decennial census, the Legislature “shall redistrict the circuit and chancery court districts,” dividing “the State into an appropriate number of circuit court districts and chancery court districts” according to statutorily established “criteria by which the number of judges in each district shall be determined . . . based on population, the number of cases filed and other appropriate data.” Miss. Const. Art. VI, § 152. If the Legislature fails to do so by “December 31 of the fifth year following [the] federal decennial census, the [Mississippi] Supreme Court shall, by order, redistrict such circuit or chancery court districts.” *Id.* But none of the criteria listed therein says anything about how the districts are to be drawn, except for criteria devoted to the functional operation of the court system—population that might lead to a higher caseload, etc.

26. H.B. 1544 and S.B. 2768 amended Miss. Code Ann. §§ 9-7-3 and § 9-5-1, respectively, to provide that “[t]he number of [judges/chancellorships] for each [circuit/chancery] court district shall be determined by the Legislature based on the following criteria:

- a. The population of the district;
- b. The number of cases filed in the district;
- c. The caseload of each chancellor in the district;
- d. The geographic area of the district;
- e. An analysis of the needs of the district by the court personnel of the district; and
- f. Any other appropriate criteria, as determined by the Legislature.”

H.B. 1544 § 2 (2025); S.B. 2768 § 2 (2025). Again, none of these criteria deal with how districts are to be drawn, except to ensure efficient administration of the courts—caseload, population, distance for lawyers, judges, and jurors might have to travel to the courthouse, needs of court personnel, etc.

27. In 2024, there were twenty-three (23) circuit court districts with fifty-seven judges, and twenty (20) chancery court districts with fifty-two (52) chancellors.

28. The Mississippi Constitution provides that “[t]he judges of the circuit and chancery courts shall be elected by the people in a manner and at a time to be provided by the legislature and the judges shall hold their office for a term of four years.” Miss. Const. Art VI, §§ 152, 153.

29. The default rule in Mississippi is that “[e]very inhabitant of this state, except persons adjudicated to be non compos mentis, who is a citizen of the United States of America, eighteen (18) years old and upwards, who has resided in this state for thirty (30) days or for thirty (30) days in the incorporated municipality in which he or she seeks to vote, and who has been duly registered as an elector under Section 23-15-33, and who has never been convicted of vote fraud

or of any crime listed in Section 241, Mississippi Constitution of 1890, shall be a qualified elector in and for the county, municipality and voting precinct of his or her residence, and shall be entitled to vote at any election upon compliance with Section 23-15-563.” Miss. Code Ann. § 23-15-11.

30. Though Mississippi’s Nonpartisan Judicial Election Act, Miss. Code Ann. §§ 23-15-974, *et seq.*, sets forth special rules for elections for “judicial offices,” the default rule does not change for judicial elections. Miss. Code Ann. § 23-15-985 (“In any election for judicial office, *all qualified electors*, regardless of party affiliation or lack thereof, *shall be qualified to vote for candidates for nomination for judicial office.*” (emphasis added)).

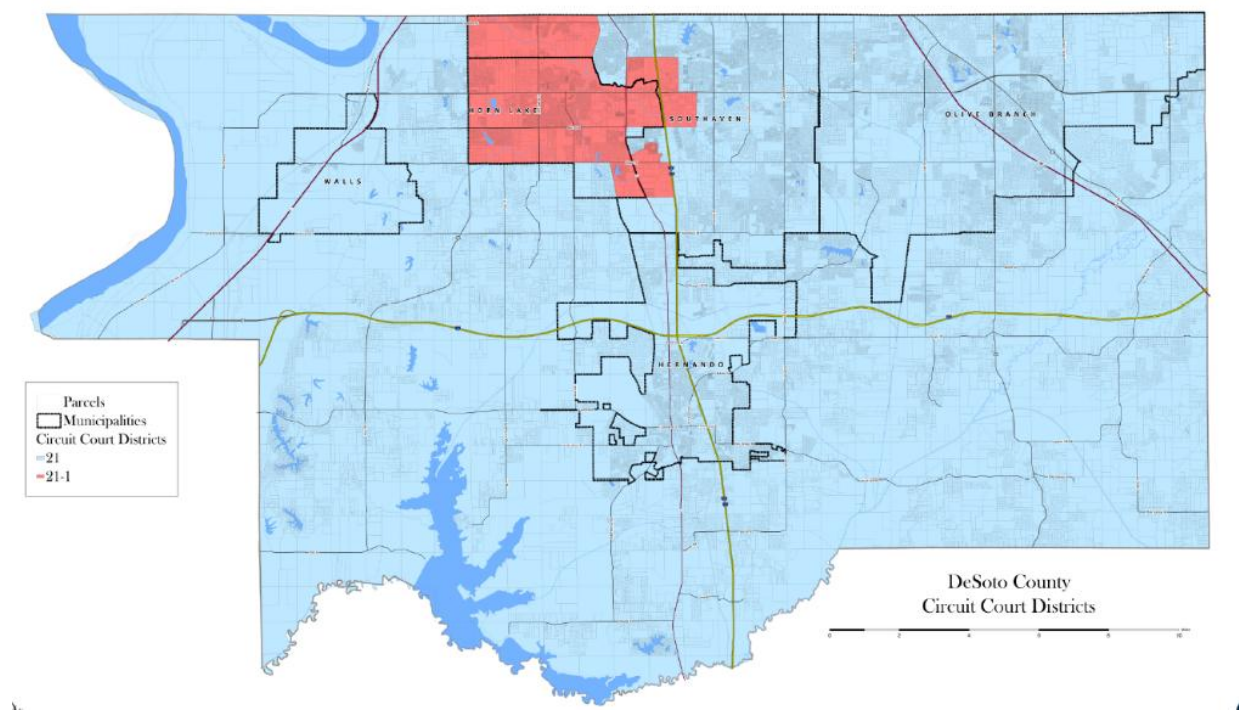
31. In Mississippi, judicial candidates for County Court Judge, Chancery and Circuit Court Judge, Court of Appeals Judge, and Supreme Court Justice do not run in party primaries and only run for election in nonpartisan general elections, where their names are placed together on a portion of the ballot separate from all partisan races. Miss. Code §§ 23-15-975, 23-15-979. The names of all candidates for judicial office must be listed in alphabetical order on any ballot and no reference to political party affiliation shall appear on any ballot with respect to any nonpartisan judicial office or candidate. Miss. Code Ann. § 23-15-979. The names of candidates for judicial office which appear on the ballot at the general election shall be grouped together on a separate portion of the ballot, clearly identified as nonpartisan judicial elections. Miss. Code Ann. § 23-15-978. The name of an unopposed candidate for judicial office shall be placed on the general election ballot. Miss. Code § 23-15-980.

32. The times for holding elections for the office of circuit court judge and the office of chancery court judge are prescribed by the Nonpartisan Judicial Election Act, Miss. Code Ann. §§ 23-15-974–985, 23-15-1015. Circuit court and chancery court judges are elected “concurrently with the elections for representatives in Congress.” Miss. Code Ann. § 23-15-1015.

III. 2025 Regular Session of the Legislature

33. During the 2025 Regular Session, the Mississippi Legislature enacted S.B. 2768 and H.B. 1544—both of which were signed into law by Governor Reeves on April 23, 2025, with H.B. 1544 effective upon passage and S.B. 2768 effective on July 1, 2025.

34. H.B. 1544 re-identified DeSoto County as the Twenty-First Circuit Court District, giving DeSoto County a third circuit court judge to be elected county-wide upon passage of H.B. 1544 and, effective January 1, 2025, a fourth circuit judge to be elected exclusively from the subdistrict in DeSoto County—21-1, which is the red subdistrict on the map below. *See* P-13.



35. When H.B. 1544 was introduced on January 20, 2025, it did not create or include any subdistrict within DeSoto County. *See* D-3; see also H.B. 1544 (as introduced), available at: <https://billstatus.ls.state.ms.us/documents/2025/pdf/HB/1500-1599/HB1544IN.pdf>.

36. Before debate on February 6, 2025, the House adopted a committee substitute of H.B. 1544 inserting the challenged subdistrict into H.B. 1544. *See* D-3; *see also* H.B. 1544

(Committee Substitute), available at: <https://billstatus.ls.state.ms.us/documents/2025/pdf/HB/1500-1599/HB1544CS.pdf>.

37. The subdistrict included in the Committee Substitute and final version of H.B. 1544 is made up of the following nine precincts, which had not existed for years before the 2025 Legislative Session²: “Horn Lake Central, Horn Lake East, Horn Lake High School*, Horn Lake Intermediate School, Horn Lake North, Horn Lake West, Northwest Community College*, Southhaven [sic] South and Southhaven [sic] West*.”³

38. Precincts with an asterisk indicate split precincts. The bills themselves do not indicate how those precincts are split. Rather, the legislation instructs the Committee Chair to file the split information with the Secretary of State’s Office. S.B. 2768 § 27 (2025). However, Laura Henderson-Courtney testified that she was “the interim head of the elections division for the secretary of state” but she “never knew such a list existed” and could not say who would have access to it within the Secretary of State’s Office. P.I. Hrg. Tr. at 592:23–25, 701:16–702:8. It is unknown where this information is or who might possess it.

39. That subdistrict, according to the 2020 Census data relied upon by the Legislature has a voting age population that is 40.83% white and 50.52% black, whereas the voting age population of DeSoto County as a whole is 67.13% white and 24.85% black. P-3. And according to data available to the DeSoto County Election Commissioners, the subdistrict includes “less than 14 percent” of DeSoto County’s registered voters. P.I. Hrg. Tr. at 194:20-23; P-8.

² Both H.B. 1544 and S.B. 2768 provide that the precincts used therein shall be “as they existed on July 1, 2025.” S.B. 2768 § 1 (2025); H.B. 1544 § 1 (2025). But if the Court accepts that provision of both bills, the nine precincts turn to five (because four of the nine precincts listed in both bills no longer existed as of July 1, 2025) noncontiguous precincts (because Northwest Community College would become an “island” separated from the remainder of the subdistrict). P.I. Hrg. Tr. at 525:23–528:11.

40. The subdistricts were not in the initial draft of the bill as introduced in the House on January 20. D-3. When the subdistrict first appeared via Committee Substitute on February 6, 2026, H.B. 1544 was debated for more than two hours on the House floor, and that debate is publicly available on the Mississippi Legislature's YouTube channel, which is provided for and linked on the Mississippi Legislature's official government website.⁴ See P-4.

41. During that debate, H.B. 1544's author Judiciary B Chairman Kevin Horan defended H.B. 1544 from the well, where race was the predominant point of debate regarding the creation of subdistricts.

42. Chairman Horan recognized that "the criteria used by [a] federal court [in the 1990s] to add more African American judges to the State of Mississippi" was the creation of "sub-districts," P-5 at 79:17–22, as "an avenue . . . for African American electors to select their judge of choice," P-5 at 84:2–4.

43. Representative Willie Bailey was concerned H.B. 1544 was "get[ting] rid of the very opportunity that the federal court put in place to create more African American judges," P-5 at 79:23–25–80:1–3, but Chairman Horan addressed that concern by saying, "Absolutely not," before identifying majority-minority subdistricts created by H.B. 1544, including "one in DeSoto County." P-5 at 80:4–81:12.⁵

⁴ On the Mississippi Legislature's own official government website (<https://www.legislature.ms.gov/>), under the far, lefthand tab entitled "Webcasts," the drop down menu lists the "Mississippi Legislature YouTube Channel" with the following hyperlink: <https://www.legislature.ms.gov/webcastmenu/mississippi-legislature-youtube-channel/> (last visited (8/1/2026 at 5:28 p.m.)). When you click on that hyperlink, it takes you directly to the Mississippi Legislature's YouTube page: <https://www.youtube.com/c/MississippiLegislature> (last visited (8/1/2026 at 5:29 p.m.)), which bears the Great Seal of the State of Mississippi and is where the Legislature live streams and records the debates on the House and Senate floors, as well as various committee meetings in both legislative bodies.

⁵ Subdistricts and residency requirements were used interchangeably as two similar mechanisms to ensure that black judicial candidates were elevated to the bench. P-5 at 55:15–19; 83:7–18 ("if you look at the residency requirements in the current plan, it serves the same purpose as the sub-districts, Gentleman.

44. Chairman Horan detailed the difficulty in identifying areas for the creation of majority-minority subdistrict, evidencing that the Legislature drew subdistricts for the sole purpose of creating majority-minority subdistricts. Indeed, Chairman Horan stated that creating new minority-subdistricts was “very difficult” because it was “very difficult for us to find areas throughout the district where there was African American population that supported residency requirements or sub-districts, however you want to do it. And I think that’s probably a good thing in this state, that people that are living in these areas are living black folks, white folks, Asians, Vietnamese, whomever are living in the same neighborhoods. I think that’s a good thing, Gentleman. But if you look in DeSoto County, that sub-district is a sub-district that allows in DeSoto County, where they have an increasing majority minority population, for those individuals in that sub-district to elect the candidate of their choice. The same way with the district, Monroe and Lee County, that’s coming forward; the same way with the chancery district in Lowndes County that covers part of Starkville; and Forrest County that covers the downtown area. We are increasing African American BVAP or APVAP districts. We are not decreasing them, Gentleman.” P-5 at 85:21–86:16.

45. In sum, Chairman Horan made clear that the Legislature was, through H.B. 1544, “creating additional African American subdistricts.” P-5 at 105:15–16.

46. In over two hours of debate on the bill, it appears that the words “black” three times, “African” thirty-two times, “minority” seventeen times, “resid” (as in resident or residency) eighty times, and “DeSoto” sixteen times, whereas legislators used the terms “Democrat,” “progressive,” and “liberal” a sum total of zero times.

We’re not decreasing African American registered voters’ access to elect their candidate of choice. To the contrary, we are increasing African—APVAP numbers to increase districts in chancery and circuit.”).

47. H.B. 1544 was passed in the House as amended by the committee substitute with the subdistrict in DeSoto County included. *See* D-3; *see also* H.B. 1544 (as passed House), available at: <https://billstatus.ls.state.ms.us/documents/2025/pdf/HB/1500-1599/HB1544PS.pdf>.

48. The Senate amended H.B. 1544, removing the subdistrict, and passed the bill as amended. *See* D-3; *see also* H.B. 1544 (Senate Committee Amendment), available at: https://billstatus.ls.state.ms.us/documents/2025/pdf/sam/HB1544_S_Cmte_Amend_01.pdf.

49. The House declined to concur and invited conference on H.B. 1544. *See* D-3.

50. H.B. 1544 and S.B. 2768 were considered by the same conference committee, which produced Conference Reports for both bills. *See* D-3; D-4; P-3.

51. Both the House and Senate adopted the Conference Report of the conference committee on H.B. 1544, which included the challenged subdistrict, on April 1 and April 2, respectively. *See* D-3; *see also* H.B. 1544 (Conference Report), available at: <https://billstatus.ls.state.ms.us/documents/2025/pdf/cr/HB1544CR.pdf>; P-3.

52. H.B. 1544 was enrolled on April 8 and signed by the Governor on April 23, taking effect upon passage. *See* D-3; P-1.

53. The Legislature also enacted during the 2025 Regular Session S.B. 2768, which removed DeSoto County from the Third Chancery Court District and created a single-county Seventeenth Chancery Court District comprised of only DeSoto County effective January 1, 2027. P-2. The Governor signed S.B. 2768 into law on April 23, 2025, and it became effective on July 1, 2025. *See* D-4.

54. As introduced, S.B. 2768 did not include a majority-minority subdistrict in DeSoto County, and the bill passed the Senate without a majority-minority subdistrict in DeSoto County.

See D-4; *see also* S.B. 2768 (as introduced and as passed by Senate), available at: <https://billstatus.ls.state.ms.us/documents/2025/pdf/SB/2700-2799/SB2768IN.pdf>.

55. On February 27, 2025, the House amended S.B. 2768 to include a majority-minority subdistrict in DeSoto County—the same subdistrict the House had included in its committee substitute of H.B. 1544 that passed the House on February 6, 2025. *See* D-4.

56. The House passed an amended version of S.B. 2768, inserting the same subdistrict in DeSoto County as the committee substitute to H.B. 1544 provided. *See* D-4; *see also* S.B. 2768 (House Amendment Report), available at: https://billstatus.ls.state.ms.us/documents/2025/pdf/ha/m/Amendment_Report_for_SB2768.pdf.

57. The Senate declined to concur and invited conference. *See* D-4.

58. H.B. 1544 and S.B. 2768 were considered by the same conference committee, which filed a Conference Report on March 31, 2025, including the same subdistrict in DeSoto County. D-3; D-4; *see also* S.B. 2768 (Conference Report), available at: <https://billstatus.ls.state.ms.us/documents/2025/pdf/cr/SB2768CR.pdf>.

59. Both the House and Senate adopted the Conference Report of the conference committee on S.B. 2768 on April 1 and April 2, respectively. D-4; P-3.

60. S.B. 2768 was enrolled on April 7 and signed by the Governor on April 23, becoming effective July 1, 2025. D-4; P-2.

PROPOSED CONCLUSIONS OF LAW

I. Standing

61. The Court concludes that Plaintiffs have Article III standing because each has suffered an injury-in-fact, which is fairly traceable to the challenged action of the State Defendants and redressable by a favorable decision from this Court, and that Plaintiffs have standing to seek

preliminary injunctive relief because there is a real and immediate threat of injury. *See, e.g., Dep’t of Ed. v. Brown*, 600 U.S. 551, 561 (2023).

62. To establish Article III standing, a plaintiff must show that: (1) they have “suffered or likely will suffer an injury in fact”; (2) “the injury likely was caused or will be caused by the defendant”; and (3) “the injury likely would be redressed by the requested judicial relief.” *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 380 (2024) (citations omitted). Where multiple plaintiffs seek identical relief, only one plaintiff need satisfy Article III standing requirements. *Horne v. Flores*, 557 U.S. 433, 446-47 (2009). At the preliminary injunction stage, a plaintiff need only show that they are likely to have standing. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992).

63. To establish injury in fact, “a plaintiff must show he or she suffered an invasion of a legally protected interest that is concrete and particularized and actual or imminent, not conjectural or hypothetical.” *Id.* at 560 (internal quotation omitted). Concrete injuries include constitutional harms, traditional tangible harms such as “physical” and “monetary” harms, and “various intangible harms,” including “injuries with a close relationship to harms traditionally recognized as providing a basis for lawsuits in American courts.” *Lutostanski v. Brown*, 88 F.4th 582, 586 (5th Cir. 2023) (citing *TransUnion LLC v. Ramirez*, 594 U.S. 413, 425–26 (2021)).

64. The right to vote is ‘individual and personal in nature,’ [] and [] ‘voters who allege facts showing disadvantage to themselves as individuals have standing to sue’ to remedy that disadvantage[.]” *Gill v. Whitford*, 585 U.S. 48, 49 (2018) (quoting *Reynolds v. Sims*, 377 U.S. 533, 561 (1964) and *Baker v. Carr*, 369 U.S. 186, 206 (1962)).

65. “To seek injunctive relief, a plaintiff must show that he is under threat of suffering ‘injury in fact’ that is concrete and particularized; the threat must be actual and imminent, not conjectural or hypothetical; it must be fairly traceable to the challenged action of the defendant;

and it must be likely that a favorable judicial decision will prevent or redress the decision.” *Summers v. Earth Island Inst.*, 555 U.S. 488, 493 (2009). To satisfy the injury in fact requirement, a plaintiff seeking injunctive or declaratory relief must show “a likelihood of future violations of their rights by the defendants, not simply future effects from past violations.” *Armstrong v. Turner Indus., Inc.*, 141 F.3d 554, 563 (5th Cir. 1998); *City of Los Angeles v. Lyons*, 461 U.S. 95, 105 (1983) (holding that to obtain injunctive relief, a plaintiff must be “likely to suffer future injury”).

66. The irreparable harm inquiry closely follows the standing inquiry for, in order to obtain injunctive relief, Plaintiffs must establish “the likelihood of substantial and irreparable injury[.]” *Lyons*, 461 U.S. at 103.

67. Here, the injury the plaintiffs seek to prevent—holding an election under an unlawful electoral scheme with discriminatory effects—is a serious one, and courts around the country have recognized that impairment of the right to vote is an irreparable injury. *Robinson v. Ardoin*, 86 F.4th 574, 600 (5th Cir. 2023) (“Once an ‘election occurs, there can be no do-overs and no redress’ for voters whose votes were diluted.” (citing *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014) (“Courts routinely deem restrictions on fundamental voting rights irreparable injury.” (citing *Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012); *Williams v. Salerno*, 792 F.2d 323, 326 (2d Cir. 1986); *Alternative Political Parties v. Hooks*, 121 F.3d 876 (3d Cir. 1997)))); see also *Veasey v. Abbott*, 830 F.3d 216, 270 (5th Cir. 2016) (en banc) (“It would be untenable to permit a law with a discriminatory effect to remain in operation for that election.”); cf. *Reynolds v. Sims*, 377 U.S. 533, 585 (1964) (“[I]t would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan.”).

68. Plaintiffs have standing to bring their claims and seek preliminary injunctive relief.

II. Preliminary Injunction and *Purcell*

69. The framework governing preliminary injunctions “is long-standing and familiar.” *Jackson v. Tarrant Cnty., Tex.*, 158 F.4th 571, 580-81 (5th Cir. 2025). Plaintiffs seeking such relief must show: (1) a likelihood of success on the merits; (2) a likelihood of suffering irreparable harm if an injunction is not granted; (3) that the balance of equities tips in their favor; and (4) that an injunction would serve the public interest. *Id.* (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)); *accord Nken v. Holder*, 556 U.S. 418, 434 (2009). “The first two factors of the traditional standard are most critical.” *Nken*, 556 U.S. at 434.

70. “A party [] is not required to prove his case in full at a preliminary-injunction hearing.” *University of Texas v. Camenisch*, 451 U.S. 390, 395 (1981). Indeed, the Fifth Circuit has explained that “[t]he standard to show likelihood of success on the merits . . . is obviously lower than that for establishing actual success on the merits during the hearing for a preliminary injunction.” *Netflix, Inc. v. Babin*, 88 F.4th 1080, 1096 (5th Cir. 2023) (quoting *Smith v. Hightower*, 693 F.2d 359, 367 n.19 (5th Cir. 1982)). Nor is a plaintiff “required to prove its entitlement to summary judgment in order to establish ‘a substantial likelihood of success on the merits’ for preliminary injunction purposes.” *Byrum v. Landreth*, 566 F.3d 442, 446 (5th Cir. 2009). For a preliminary injunction to issue, a plaintiff need only meet this lowered threshold on one of their claims—not all of their claims—to obtain relief. *See, e.g., Polk v. Crawford*, --- F.4th ---, 2026 WL 2240022, at *2 (5th Cir. Aug. 4, 2026).

71. Defendants argue the *Purcell* principle applies here, *see Purcell v. Gonzalez*, 549 U.S. 1 (2006), and while the Fifth Circuit has said that “*Purcell* is not an absolute principle,” *see LUPE*, 119 F.4th 404, 409 (5th Cir. 2024), “the *Purcell* principle is probably best understood as a sensible refinement of ordinary stay principles for the election context” when plaintiffs bring a

challenge to election laws on the eve of an election. *Merrill v. Milligan*, 142 S. Ct. 879, 881 (Kavanaugh, J., concurring).

72. But *Purcell* does not bar this Court from issuing a preliminary injunction. See, e.g., *LULAC v. Abbott*, 809 F. Supp. 3d 502, 599, 606 (W.D. La. 2025) (recognizing that “courts have applied *Purcell* ‘as a consideration, not a prohibition’” and holding that “*Purcell* **does not** require us to deny a preliminary injunction”) (emphasis added); *Robinson v. Ardoin*, 37 F.4th 208, 229 (5th Cir. 2022) (rejecting the defendants’ argument that *Purcell*, or the principle of election nonintervention, precluded issuance of injunctive relief); *Robinson v. Ardoin*, 86 F.4th 574, 600 (5th Cir. 2023) (agreeing with the district court that *Purcell* did not bar issuance of a preliminary injunction and did not require that the injunction be stayed). That is, *Purcell* is not a defense to the merits of Plaintiffs’ claims or request for injunctive relief.

73. *Purcell* is most often utilized as an equitable stay principle, used to stay preliminary injunctions when a party appeals from the grant or denial of a preliminary injunction—*i.e.*, where the dispute continues on the eve of an election—and an appellate court decides that a stay is warranted due to a substantial likelihood that the district court’s decision was wrong on the merits. Indeed, as Plaintiffs point out, that’s how virtually every Fifth Circuit case meaningfully discussing *Purcell* has used the *Purcell* principle. *RNC v. Wetzel*, 120 F.4th 200, 214 (5th Cir. 2024) (discussing *Purcell* in the context of staying district court injunction pending appeal), *reversed and remanded* *Watson v. RNC*, 609 U.S. ----, 2026 WL 1855462 (June 29, 2026); *La Union Del Pueblo Entero v. Abbott*, 119 F.4th 404, 408–09 (5th Cir. 2024) (same); *Petteway v. Galveston Cnty.*, 87 F.4th 721 (5th Cir. 2023) (en banc) (Oldham, J., concurring) (same); *Robinson*, 86 F.4th at 599–600 (same); *Robinson*, 37 F.4th at 228–31 (same); *Texas All. for Retired Ams. v. Scott*, 28 F.4th 669, 671 (5th Cir. 2022) (same); *Texas LULAC v. Hughs*, 978 F.3d 136, 142 (5th Cir. 2020) (same);

Texas All. for Retired Ams. v. Hughs, 976 F.3d 564, 566–67 (5th Cir. 2020) (per curiam) (same); *Mi Familia Vota v. Abbott*, 834 F. App’x 860 (5th Cir. 2020) (per curiam) (same); *Thomas v. Bryant*, 919 F.3d 298, 315 (5th Cir. 2019) (same); *Patino v. City of Pasadena*, 677 F. App’x 950 (5th Cir. 2017) (per curiam) (same); *Veasey v. Perry*, 769 F.3d 890, 892–93 (5th Cir. 2014) (same); *see also Veasey v. Abbott*, 830 F.3d 216, 243 (5th Cir. 2016) (instructing district court regarding *timing of relief* in light of *Purcell*).

74. Still, even assuming that *Purcell* is applicable in this Court’s decision as to whether a preliminary injunction should issue in the first instance, “*Purcell* is not a magic wand that defendants can wave to make any unconstitutional election restriction disappear so long as an impending election exists,” *People First of Ala. v. Sec’y of State for Ala.*, 815 F. App’x 505, 514 (11th Cir. 2020) (Rosenbaum, R., and Pryor, J., concurring), and this case is not as complex as the majority of *Purcell* precedents.

75. The State Defendants and Intervenor-Defendant point to a number of authorities where appellate courts have stayed injunctions during a closer time period than the time between this order and the November 2026 general election. But their authorities, by and large, focus on complex redistricting matters affecting large swaths of voters. This case is unlike those cited by the State Defendants and Intervenor-Defendants.

76. Indeed, this is not a case where voters will be left unaware of requirements for casting their ballot, *Veasey*, 769 F.3d 890 (applying *Purcell* to stay injunction against voter-ID law), where this court is asked to pull a last-minute switcheroo by moving voters to new districts with entirely different candidates, *Petteway*, 87 F.4th at 723 (Oldham, J., concurring) (invoking *Purcell* after court imposed newly redistricted maps after primaries), where voters and election officials will be unaware of appropriate conduct at the polls, *LUPE*, 119 F.4th 404 (applying

Purcell to stay injunction of Texas law prohibiting solicitation of votes at the ballot box), or where election officials will have to fundamentally substitute the type of ballot to be used, *Hughs*, 976 F.3d at 568 (staying injunction 18 days before early voting where injunction required fundamental change to the type of ballot to be used). All those scenarios are consistent with the purpose of *Purcell*—to stay injunctions “entered days or weeks before an election” that “threaten to confuse voters, unduly burden election administrators, or otherwise sow chaos or distrust in the electoral process,” pending appeal. *Robinson*, 37 F.4th at 228. But the concerns underlying *Purcell* simply are not present here.

77. Regardless of whether it’s applicable in this procedural posture, *Purcell* is “not an absolute principle.” *LUPE*, 119 F.4th at 409; *see also Louisiana v. Callais*, 146 S. Ct. 1131, 1162 (2026) (finding that majority-minority district in Louisiana was an unconstitutional racial gerrymander and prohibiting its further use ahead of congressional primary), *judgment entered forthwith* 608 U.S. ----, 146 S. Ct. 1111 (May 4, 2026) (issuing judgment forthwith over the Robinson appellant’s *Purcell* objections, a month after UOCAVA ballots had been mailed and a few days after absentee ballots had been mailed, *see Robinson Appellant’s Response to Appellees’ Application for Issuance of a Copy of the Opinion and Certified Copy of the Judgment Forthwith*, 2026 WL 1233897); *Merrill*, 142 S. Ct. at 881 (Kavanaugh, J., concurring) (recognizing that *Purcell* is “a principle that is not absolute”); *Democratic Nat’l Comm. v. Wisc. State Legislature*, 141 S. Ct. 28 (2020) (Kagan, J., dissenting) (“At its core, *Purcell* tells courts to apply, not depart from, the usual rules of equity . . . And that means courts must consider all relevant factors, not just the calendar. Yes, there is a danger that an autumn injunction may confuse voters and suppress voting. But no, there is not a moratorium on the Constitution as the cold weather approaches.”).

78. In any event, this Court will consider *Purcell* and its progeny in conjunction with the usual factors considered for a preliminary injunction.

79. The Fifth Circuit has said that *Purcell* “may be overcome if certain conditions are met. In particular, a stay [of an injunction] may not be appropriate if ‘(i) the underlying merits are entirely clearcut in favor of the plaintiff; (ii) the plaintiff would suffer irreparable harm absent the injunction; (iii) the plaintiff has not unduly delayed bringing the complaint to court; and (iv) the changes in question are at least feasible before the election without significant cost, confusion, or hardship.’” *LUPE*, 119 F.4th at 409 (citing *Merrill*, 142 S. Ct. at 881 (Kavanaugh, J., concurring)).

80. Thus, because the first two factors in considering both preliminary injunctions and *Purcell* are almost identical, the Court considers those two factors together and finds that Plaintiffs have demonstrated the underlying merits of their claims are entirely clearcut in their favor (and thus Plaintiffs are likely to succeed on the merits) and that Plaintiffs will suffer irreparable harm absent an injunction.

81. Further, the Court finds that the balance of the equities and the public interest support Plaintiffs’ request for preliminary injunctive relief ahead of the 2026 November general election.

82. Finally, in applying the further *Purcell* factors here, the Court finds that Plaintiffs have not unduly delayed in bringing their claims to court and that the simple changes requested are feasible before the 2026 November general election without significant cost, confusion, or hardship.

A. Underlying Merits Are Clearcut in Plaintiffs' Favor (Plaintiffs' Are Likely to Succeed on the Merits)

83. The Court finds that the merits of Plaintiffs' claims are clearcut in Plaintiff's favor and that Plaintiffs are likely to succeed on their claims that the challenged laws are unconstitutional and violate federal rights.

84. The State Defendants and Intervenor-Defendants hardly contest the merits of Plaintiffs' claims that the subdistrict is unlawful.

i. Equal Protection Claim

85. Plaintiffs first contend in their Verified Complaint that the laws creating a judicial subdistrict violate the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. *See* Verified Complaint, ECF Doc. No. 1, at 11-13.

86. The Court is convinced Plaintiffs have successfully shown that using the subdistrict in the November 2026 election will constitute a clearcut violation of the U.S. Constitution.

87. The fundamental elements of an equal-protection claim are (1) unequal treatment (2) for an impermissible reason. *See, e.g., City of Cleburne, Tex. v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985) ("The Equal Protection Clause of the Fourteenth Amendment commands that no State shall 'deny to any person within its jurisdiction the equal protection of the laws,' which is essentially a direction that all persons similarly situated should be treated alike."); *accord Lowery v. Gonzales*, 2023 WL 8449215, at *1 (5th Cir. Dec. 6, 2023) ("The elements of an equal protection claim are that the plaintiff was treated differently than similarly situated individuals and the unequal treatment stemmed from a discriminatory intent." (citing *Fennell v. Marion Indep. Sch. Dist.*, 804 F.3d 398, 412 (5th Cir. 2015))); *Bruns v. Mayhew*, 931 F. Supp. 2d 260, 267 (D. Me. 2013), *aff'd and remanded*, 750 F.3d 61 (1st Cir. 2014) (citing *Macone v. Town of Wakefield*, 277 F.3d 1, 10 (1st Cir. 2002) (explaining that a court must "look for two elements: (1) whether the []

[plaintiffs] [were] treated differently than others similarly situated, and (2) whether such a difference was based on an impermissible consideration . . .”).

88. There is no question that Plaintiffs are treated unequally by use of the subdistrict at issue. Plaintiffs living outside the subdistrict get only three votes for circuit judge and two votes for chancellor, whereas voters inside the subdistrict get four votes for circuit judge and three votes for chancellor. P.I. Hrg. Tr. at 215:25–216:10; 239:3–14; 253:2–11; 440:7–22. So the only question is whether that unequal treatment stemmed from a discriminatory intent. *Lowery*, 2023 WL 8449215, at *1.

89. The subdistrict created by H.B. 1544 and S.B. 2768 discriminates in granting the franchise within DeSoto County based on where voters live within that jurisdiction: If you live in the subdistrict, you get two more votes than anyone living outside the subdistrict. Textually, then, the statute discriminates for an impermissible purpose. *Gray v. Sanders*, 371 U.S. 368, 379 (1963) (“Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote—whatever their race, whatever their sex, whatever their occupation, whatever their income, and *wherever their home may be in that geographical unit*. This is *required* by the Equal Protection Clause of the Fourteenth Amendment.” (emphasis added)). Indeed, “there is no indication in the Constitution that homesite or occupation affords a permissible basis for distinguishing between qualified voters within the State.” *Id.* at 809.⁶

⁶ An additional justification for upholding Plaintiffs’ Equal Protection Claim was that an entire occupation—attorneys—are excluded from voting here, as it was discovered during the hearing on the motion for preliminary injunction, through the testimony of Defendant Intervenor Meacham, that there was in the beginning a residency requirement for candidates wanting to run in the subdistrict but “there was no attorney that lived in that subdistrict.” P.I. Hrg. Tr. at 794:24-795:19; 867:1-7. Thus, the Legislature deleted the residency requirement, allowing anyone within the District (Desoto County) to be eligible to run for the subdistrict judge positions, but effectively eliminating all attorneys from possessing the right to vote on those judges (as they were excluded because no attorney lived in the subdistrict).

90. That homesite discrimination alone triggers strict scrutiny. Where “a challenged state statute grants the right to vote to some bona fide residents of requisite age and citizenship and denies the franchise to others, the Court must determine whether the exclusions are necessary to promote a compelling state interest.” *Kramer v. Union Free Sch. Dis. No. 15*, 395 U.S. 621, 627 (1969). Applying that exacting level of scrutiny requires that “the deference usually given to the judgment of legislators does not extend to decisions concerning which resident citizens may participate in the election of legislators and other public officials.” *Id.* Therefore, “when [courts] are reviewing statutes which deny some residents the right to vote, the general presumption of constitutionality afforded state statutes and the traditional approval given state classifications if the Court can conceive of a ‘rational basis’ for the distinctions made are not applicable.” *Id.* at 627–28 (citing *Harper*, 383 U.S. at 670 (1966)).

91. So where plaintiffs can show that an impermissible reason drove the State’s decision to create a subdistrict in the way that it did, the burden shifts to the State to show that creation of the subdistrict and the discrimination that comes along with it serves a compelling government interest and is narrowly tailored to achieve that compelling government interest. *See, e.g., Alexander v. S.C. State Conf. of the NAACP*, 602 U.S. 1, 11 (2024).

92. The State Defendants allude to only two ostensible government interests.

93. The first is the allocation of judicial resources to meet the needs of courts around the state, *see* State Defs.’ Memo. ECF Doc. No. 43, at 14, but they offer no argument or authority for the proposition that the allocation of judicial resources is a “compelling government interest.”

94. And second, at the preliminary injunction hearing, the State also pointed to the statutory criteria that the Legislature considers in redistricting for both circuit and chancery court.

P.I. Hrg. Tr. at 905:5–14. But that too rests on an unsupported assumption that following statutory redistricting criteria is also a “compelling government interest.”

95. Still, even assuming that either consideration is a “compelling government interest,” (which they are not), creation of the subdistrict is not narrowly tailored to achieve either interest.

96. The subdistrict has nothing to do with the allocation of judges to DeSoto County, as the Place Four circuit judge and Place Three chancellor are not allocated only to handle the subdistrict’s caseload, but DeSoto County’s caseload as a whole. And there is no evidence that the Legislature even had an inkling of the subdistrict’s caseload in comparison to DeSoto County’s caseload as a whole. To the contrary, the only caseload data presented to legislators on H.B. 1544 and S.B. 2768 were district-wide data; there was no subdistrict-specific data. P-3 at 10. Clearly, just as the Legislature had already and simultaneously created three circuit judge positions and two chancery judge positions for the Desoto County District, it too could have simply created these two additional positions for the county-wide district itself. There was no “need” to create a subdistrict here.

97. The State Defendants’ reliance on consideration of the criteria listed in Miss. Code Ann. § 9-7-3 and Miss. Code Ann. § 9-5-3 is equally misguided, as those statutes simply establish criteria only for determining “[t]he number of judges in each circuit court district” as a whole and “[t]he number of chancellorships for each chancery court district” as a whole. Neither statute provides any criteria for drawing subdistricts or allocating judges to be elected exclusively from a subdistrict. Rather, the statutory criteria are singularly focused on determining the *total number* of judges allocated to a circuit or chancery court *district*.

98. Having recognized that the State's creation of the subdistrict is not narrowly tailored to achieve the State's stated interests, the subdistrict is unconstitutional for that reason alone.

99. But there's a second constitutional infirmity inherent in the creation of the subdistrict in DeSoto County. Considering that the State's interests do not necessitate the subdistrict's creation, nor is the creation of the subdistrict even rationally related to those stated goals, the Court might inquire as to why the subdistrict was actually created.

100. The only reason supported by the record for the creation of the subdistrict is race. Debates over the statutory language in H.B. 1544 and S.B. 2768 confirm that race was the predominant consideration as the Legislature created the subdistrict in DeSoto County. *E.g.*, P-5 at 79:17–81:12, 84:2–4, 85:21–86:16, 105:15–16. And Representative Eubanks testified that the majority-minority “subdistrict was specifically designed to make it to where it would be winnable by an African American,” despite the fact that African Americans were already winning elections in majority-white districts or county-wide districts in DeSoto County. P.I. Hrg. Tr. at 101:2–103:16.

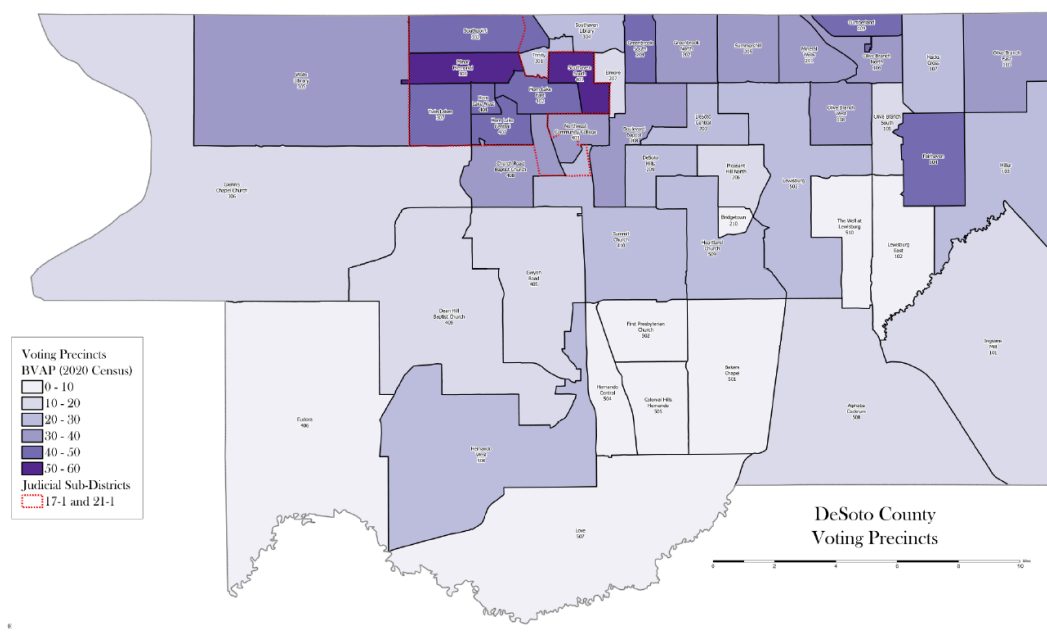
101. A review of the February 6 debates on the House floor confirms that race and residency was at the forefront of legislators' minds. See P-4, P-5. During that debate, legislators used the term “black” three times, “African” thirty-two times, “minority” seventeen times, “resid” (as in resident or residency) eighty times, and “DeSoto” sixteen times, whereas legislators used the terms “Democrat,” “progressive,” and “liberal” a sum total of zero times.

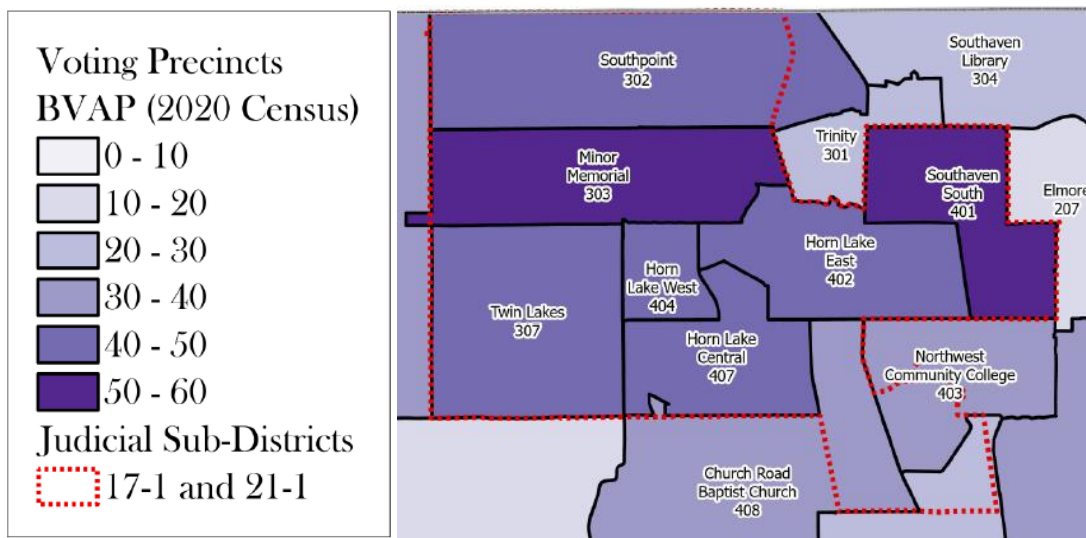
102. Moreover, the only information put before legislators regarding H.B. 1544 and S.B. 2768 was a “conference report” packet including three pieces of information: maps, racial data, and caseload data for districts without caseload data for subdistricts. P-3.

District	Population	White	% White	Black	% Black	18+_Pop	% 18+_Pop	18+_Wht	% 18+_Wht	18+_Blk	% 18+_Blk	18+_AP_Bl	% 18+_AP_Bl
21	150203	97334	64.80%	37808	25.17%	112496	74.90%	75519	67.13%	27160	24.14%	27957	24.85%
21-1	35111	12730	36.26%	18397	52.40%	25518	72.68%	10418	40.83%	12612	49.42%	12892	50.52%
17	150203	97334	64.80%	37808	25.17%	112496	74.90%	75519	67.13%	27160	24.14%	27957	24.85%
17-1	35111	12730	36.26%	18397	52.40%	25518	72.68%	10418	40.83%	12612	49.42%	12892	50.52%

103. All of this evidence—the contemporaneous statements on the House floor from Chairman Horan, who authored H.B. 1544 which first introduced the statutory language regarding the subdistrict in DeSoto County that eventually made its way into both H.B. 1544 and S.B. 2768, testimony from Representative Eubanks that race predominated the creation of the subdistrict, and the conference report’s only subdistrict-specific information being racial—demonstrates that the subdistrict was created for race-based reasons.

104. Judith Wammack’s map reinforces that evidence and paints the picture that Chairman Horan aptly detailed from the well. See P-5 at 85:21–86:16. Indeed, Wammack’s map demonstrates visually the racial makeup of the precincts within the subdistrict according to United States Census Bureau data as follows in P-14:





105. That the subdistrict was intentionally created based on race triggers strict scrutiny. “The clear and central purpose of the Fourteenth Amendment was to eliminate all official state sources of invidious racial discrimination in the States.” *SFFA v. President and Fellows of Harvard College*, 600 U.S. 181, 206 (2023) (quoting *Loving v. Virginia*, 388 U.S. 1, 10 (1967)). But “[e]liminating racial discrimination means eliminating all of it.” *Id.* Indeed, “the Equal Protection Clause applies ‘without regard to any difference of race or color, or of nationality’” and its guarantees “cannot mean one thing when applied to one individual and something else when applied to a person of another color.” *Id.* (citations omitted). “Any exception to the Constitution’s demand for equal protection must survive a daunting two step examination known in [the Supreme Court’s] cases as ‘strict scrutiny.’” *Id.* “Under that standard we ask, first, whether the racial classification is used to ‘further compelling government interests.’” *Id.* at 206–07 (citation omitted). “Second, if so, we ask whether the government’s use of race is ‘narrowly tailored’—meaning ‘necessary’—to achieve that interest.” *Id.* at 207 (citation omitted).

106. The State Defendants’ and Intervenor-Defendants’ attempt to rebut Plaintiffs’ claims by making a passing allusion to *Chisom v. Roemer*, 501 U.S. 380 (1991), which they

contend stands for the proposition that the one-person, one-vote principle does not apply to judicial elections. *See* State Defs.’ Memo. ECF Doc. No. 43, at 19; *See* Intervenor NAACP and DST’s Memo ECF Doc. No. 63, at 13. Of course, *Chisom* did not so hold; the quotation attributed to *Chisom* by both the State Defendants and the NAACP Intervenor is merely the *Chisom* Court’s characterization of a party’s argument and the position taken by a Fifth Circuit en banc opinion en route to reversing that decision.

107. To be sure, however, the Fifth Circuit has recognized since *Chisom* that “the one-person, one-vote requirement . . . does not apply to judicial districts.” *Rodriguez v. Bexar Cnty.*, 385 F.3d 853, 859 n.3 (5th Cir. 2004). But the State Defendants’ and Intervenor-Defendants’ argument on that score rests upon an assumption or label that only they ascribe to Plaintiffs’ equal-protection claims. That label is not fitting, nor is the assumption valid.

108. The Court rejects such attempt to categorically rebut Plaintiffs’ claims. For starters, the only question before the Supreme Court in *Chisom* involved the scope of the coverage of Section 2 of the Voting Rights Act, as amended in 1982, which prohibits the imposition of a voting qualification or prerequisite in a manner resulting in the denial or abridgment of the right to vote on account of race or color. *Chisom*, 501 U.S. at 390 (citing 52 U.S.C. § 10301(b)). The Supreme Court emphatically held that judicial elections are within the ambit of Section 2. *Id.* at 391–405. In so holding, the Supreme Court reasoned that the word “representatives” included in Section 2 “describes the winners of representative, popular elections, including elected judges” and although judges need not be elected, “when they are, it seems both reasonable and realistic to characterize the winners as representatives of the districts in which they reside and run.” *Id.*

109. And a traditional one-person, one-vote claim is premised upon the idea that in the elections of representatives, the number of representatives elected from any given district should

be proportionate to the population of the district. That is, where an electoral scheme divides a jurisdiction into districts or subdistricts for elections to representative bodies, the districts and subdistricts should have nearly equal population and equal representation. In other words, an electoral scheme that permits an electoral district comprised of 5,000,000 to elect only one representative and at the same time permits an electoral district comprised of only 5,000 to elect one representative, the one-person, one-vote principle would apply.

110. But that's not Plaintiffs' claim here. Plaintiffs living outside the subdistrict but within the district itself allege that they are not going to be allowed to vote at all for two of their own district's judges where state law would otherwise allow them to do so. *See* Miss. Code Ann. § 23-15-11, 23-15-985. That claim is not tethered to equal representation; it's tethered simply to having an equal say in who the judges serving the district are where state law otherwise provides for such equality in the number of votes voters within the same district are entitled to cast in judicial elections. Miss. Code Ann. § 23-15-985. Plaintiffs' claims simply are not the same sort of one-person, one-vote claims that other courts have held to be inapplicable to judicial elections. Rather, the relevant claim here is a general equal-protection claim—Plaintiffs living outside the subdistrict only get five votes for their own district's judges, whereas the subdistrict's voters get seven votes solely based on their address within the district and the racial makeup of the area in which they live. Put simply, the relevant inquiry before this Court is not whether the State must reapportion a judicial body consistent with one person, one vote, but whether the State's actions in denying the right to vote and its race-based decision comport with the Constitution and federal law.

111. Plaintiffs have a viable equal-protection claim where they are afforded less votes for their own district's judges than others living within the subdistrict. That Plaintiffs have not pointed to a similar case is of no moment given the peculiarity of this particular subdistricting

scheme. The Court has been unable to find a similar fact pattern in any case already decided, most likely because of the egregiousness of the electoral scheme here. Indeed, often subdistricting schemes include a number of single-member subdistricts, with each subdistrict independently electing one judge or representative. *See for example Fusilier v. Landry*, 963 F.3d 447 (5th Cir. 2020). And the only exceptions are so-called “floterial districts” in which one subdistrict is larger than the other, entitling the larger subdistrict to vote for a representative from its own subdistrict and also for a representative from a surrounding subdistrict. *See for example Davis v. Mann*, 377 U.S. 678, 686 n.2 (1964). But this case is not like those either, where the subdistrict at issue makes up only 14% of DeSoto County’s registered voters, yet is permitted to cast more votes than those living elsewhere in DeSoto County.

112. In sum, the Court finds that Plaintiffs have viable equal-protection claims.

ii. Section 2 of the Voting Rights Act

113. The Court also finds that Plaintiffs’ claim under Section 2 of the Voting Rights Act, which is applicable to judicial elections, *see Chisom v. Roemer*, 501 U.S. 380 (1991); *LULAC v. Clements*, 999 F.3d 831, 848 (5th Cir. 1993) (en banc) (“*Clements IV*”), is also clearcut.

114. The Supreme Court has “identified only two compelling interests that permit resort to race-based government action.” *SFFA v. President and Fellows of Harvard College*, 600 U.S. 181, 207 (2023). “One is remediating specific, identified instances of past discrimination that violated the Constitution or a statute.” *Id.* (citations omitted). “The second is avoiding imminent and serious risks to human safety in prisons, such as a race riot.” *Id.* (citations omitted).

115. The Supreme Court has since added compliance with Section 2 “as properly construed” to that list, but only where Section 2 is understood to further the meaning of the Fifteenth Amendment and “our colorblind Constitution,” by prohibiting the race-based creation of

electoral districts. *Louisiana v. Callais*, 146 S. Ct. 1131, 1143 (2026); *Allen v. Milligan*, 608 U.S. ----, 146 S. Ct. 1377, 1380 (2026) (per curiam).

116. In *Callais*, the Supreme Court updated its *Gingles* framework for consideration of cases under Section 2 of the Voting Rights Act. Under the first *Gingles* precondition, the Court required plaintiffs’ illustrative maps to satisfy two conditions: (1) not use race in drawing a map and (2) meet all the State’s legitimate districting objectives. *Id.* at 1159.

117. Here, because of the unique circumstances of this case, where the Legislature drew a subdistrict within a district (and not independent and separate from other districts or subdistricts), the Court finds the Legislature itself has created a proper, constitutional illustrative map, that is, a map that meets the State’s legitimate districting objectives and does not use race as a criteria—the maps for District 21 and District 17 that encompass all of Desoto County. *Gingles I* is satisfied.

118. “To satisfy the second and third [*Gingles*] preconditions—politically cohesive voting by the minority and racial-bloc voting by the majority—the plaintiffs must provide an analysis that controls for party affiliation. In other words, they must show that voters engage in racial bloc voting that cannot be explained by partisan affiliation.” *Id.*

119. Here, the testimony of Robert Foster illustrates politically cohesive voting by the minority (whites) in the subdistrict and racial-bloc voting by the majority (blacks) in the subdistrict. Foster testified that the subdistrict is primarily in the City of Horn Lake, a majority black city, and that just last year, in 2025, Horn Lake elected a new mayor who was black and five of seven new aldermen who were black. P.I. Hrg. Tr. at 511:18–5:12:13.

120. Finally, the Supreme Court in *Callais* instructed courts that “the ‘totality of the circumstances’ inquiry must focus on evidence that has more than a remote bearing on what the

Fifteenth Amendment prohibits: present-day intentional racial discrimination regarding voting.” *Id.* at 1160.

121. The State Defendants do not contend and there is no evidence that the subdistrict was created to remedy present-day, specific, identifiable instances of intentional discrimination in voting or the election of DeSoto County circuit or chancery court judges. Indeed, Representative Eubanks, Sissie Ferguson, Robert Foster, and Malenda Meacham testified that they were unaware of any minority candidate ever even attempting to run for circuit or chancery judge in DeSoto County until this 2026 election. P.I. Hrg. Tr. at 173:18–25, 253:22–25, 463:24–464:8, 858:17–23, 873:4–13. And the evidence showed that race relations in DeSoto County as a whole do not dissuade black candidates from putting their name on the ballot. Sheriff Thomas Tuggle, a black man, successfully ran countywide for sheriff in DeSoto County. P.I. Hrg. Tr. at 30:9–24. Rodney Hall, a black man, successfully ran in a majority-white district in DeSoto County. *Id.* Hester Jackson-McCray, a black woman, won election to the Mississippi House of Representatives in DeSoto County. *Id.*

122. Unable to demonstrate any compelling government interest in doing so, the State Defendants cannot survive strict scrutiny where Plaintiffs have made a sufficient showing that the State created the subdistrict based on race. Therefore, Plaintiffs have shown a clearcut and substantial likelihood of success on the merits of their claims.

B. Irreparable Harm

123. The Court concludes that, absent a preliminary injunction, Plaintiffs will suffer irreparable harm in future elections in the form of deprivations and denials of their right to vote.

124. “To satisfy the second prong of the preliminary-injunction test, Plaintiffs must show that in the absence of an injunction they are ‘likely to suffer irreparable harm.’” *Mi Familia*

Vota v. Abbott, 497 F. Supp. 3d 195, 217-18 (W.D. Tex. 2020) (quoting *Daniels Health Scis., L.L.C. v. Vascular Health Scis., L.L.C.*, 710 F.3d 579, 585 (5th Cir. 2013)).

125. The right to vote is fundamental and denial or abridgement of the right to vote is an irreparable injury. *See, e.g., Harris v. Graddick*, 593 F. Supp. 128, 135 (M.D. Ala. 1984) (“[A]ny illegal impediment to the right to vote, as guaranteed by the U.S. Constitution or statute, would by its nature be an irreparable injury.” (citing *Reynolds v. Sims*, 377 U.S. 533, 585 (1964))); *see also Mich. State A. Philip Randolph Inst. v. Johnson*, 833 F.3d 656, 669 (6th Cir. 2016) (““When constitutional rights are threatened or impaired, irreparable injury is presumed. A restriction on the fundamental right to vote therefore constitutes irreparable injury.””) (citing *Obama for Am. v. Husted*, 697 F.3d 423 (6th Cir. 2012)).

126. Rep. Eubanks testified to the irreparable harm to candidates if they are elected and the Court subsequently rules the subdistrict is unlawful, as well as the irreparable harm to 80 percent of the Desoto Countians outside the district. P.I. Hrg. Tr. at 146:1-5 and 178:24-179-1. Plaintiff Katie Ligon testified that if the November 2026 are not enjoined, she would never get to cast her vote and that she would lose her vote and her voice and that it is not fair or equal for all Desoto Countians. P.I. Hrg. Tr. at 217:18-24. Plaintiff Foster testified that if the November 2026 election in the subdistrict moves forward, he would be irreparably harmed, as he would forever lose two votes for two judges and would never get those votes back, and if judges are elected from the subdistrict, it would be hard to defeat them as incumbents or to even be able to recruit attorneys to run against sitting judges. P.I. Hrg. Tr. at 390:16-391:13.

127. Once Plaintiffs lose the opportunity to vote in the November 2026 general election for their Place Four circuit judge and Place Three chancellor, “there can be no do-over and no

redress.” *Robinson v. Ardoin*, 86 F.4th 574, 600 (5th Cir. 2023); *League of Women Voters of North Carolina v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014).

128. Thus, Plaintiffs will suffer irreparable harm absent injunctive relief.

C. *Preliminary Injunction Factors: The Balance of Equities Weighs in Plaintiffs’ Favor and A Preliminary Injunction Would Serve the Public Interest.*

129. Finally, the Court finds that the balance of equities and the public interest both weigh in favor of a preliminary injunction. The Court concludes that protecting the right to vote of more than 86% of eligible DeSoto Countians is in the public interest while the State’s enforcement of the challenged laws serves no purpose where those laws are almost certainly violative of the Constitution and federal law.

130. The “balance of the equities” and the “public interest,” the third and fourth elements of the test for a preliminary injunction, “merge when the Government is the opposing party.” *Robinson v. Ardoin*, 605 F. Supp. 3d 759, 852 (M.D. La. 2022) (quoting *Nken v. Holder*, 556 U.S. 418, 435 (2009)).

131. The Supreme Court has held that “voting is of the most fundamental significance under our constitutional structure.” *Burdick v. Takushi*, 504 U.S. 428, 433 (1992) (citations omitted). Indeed, eligible voters have a “strong interest in exercising the fundamental political right to vote.” *Purcell*, 549 U.S. at 4 (citation modified).

132. And the public interest “clearly favors the protection of constitutional rights, including the voting and associational rights of alternative political parties, their candidates, and their potential supporters.” *Council of Alternative Political Parties v. Hooks*, 121 F.3d 876, 883 (3d Cir. 1997). This is especially the case given that the State Defendants have made no argument that its actions were legal on the merits and there is generally no public interest in the perpetuation of unlawful state action. *See, e.g., California v. Trump*, --- F.4th ----, 2026 WL 2144084, at *12

(1st Cir. July 25, 2026) (denying a stay of an injunction pending appeal); *accord, e.g., Book People v. Wong*, 91 F.4th 318, 341 (5th Cir. 2024) (“[N]either [the State] nor the public has any interest in enforcing a regulation that violates federal law.”).

133. Thus, the public has a strong interest in all eligible voters being able to vote, because “favoring enfranchisement and ensuring that qualified voters exercise their right to vote is always in the public interest.” *Action NC v. Strach*, 216 F. Supp. 3d 597, 648 (M.D. N.C. 2016 (cleaned up)).

134. Not only does enjoining that deprivation of the right to vote redress Plaintiffs’ injuries, it would also redress injuries suffered by the vast majority of DeSoto County’s registered voters, i.e., the public in DeSoto County. Sissie Ferguson testified that less than 14% of DeSoto County’s registered voters live within the subdistrict, meaning that more than 86% of DeSoto County’s registered voters, including three of the Plaintiffs here, will not have the opportunity to vote for their Place Four circuit judge and Place Three chancellor in the November 2026 general election. P.I. Hrg. Tr. at 194:20–23; *see also* P-8.

135. Permitting all registered voters to vote for the Place Four circuit judge and Place Three chancellor will give legitimacy to the eventual winners’ judicial office, and it will avoid causing the future chaos of removing two judges mid-term when these laws are ultimately held to be unconstitutional, as is the likely case based on Plaintiffs’ showing thus far.

D. Purcell Factors: No Undue Delay by Plaintiff in Bringing Complaint

136. The State Defendants and Intervenor Defendants contend that Plaintiffs have unduly delayed in bringing their claims to this Court and that the changes Plaintiffs seek are not feasible before the election without significant cost, confusion, or hardship. Both arguments are rejected.

137. The Court finds that Plaintiffs have not *unduly* delayed in bringing their claims. While Plaintiffs filed suit more than fourteen months after S.B. 2768 took effect and more than sixteen months after both S.B. 2768 and H.B. 1544 were passed and signed into law, the context in the interim renders any such alleged delay excusable.

138. H.B. 1544 and S.B. 2768 are not entirely clear on their face as to the boundaries of the subdistrict or the precincts included therein to even be able to give Plaintiffs proper notice upon the bills' passage. *See supra* notes 2 & 3 and accompanying text. H.B. 1544 and S.B. 2768 use nonexistent precincts and are contradictory as to whether the bills refer to precincts "as they existed on July 1, 2025," or whether the bills refer to precincts as they existed in 2020. *Compare* S.B. 2768 § 1 (2025), *with* S.B. 2768 § 28. Moreover, the bills indicate splits in precincts that are supposedly on file with the Secretary of State's Office, S.B. 2768 § 27 (2025), but even the interim head of the Elections Division had never seen or heard of that filing, nor did she know who might have it within the Secretary of State's Office. P.I. Hrg. Tr. at 592:23–25, 701:16–702:8. Thus, looking at the face of the bills, the average voter would have no idea whether they lived within the subdistrict or not, making it unreasonable to task potential litigants with assessing their situation or even their standing to bring such a suit based solely on the bills' text alone.

139. Plaintiff Katie Ligon testified that she is not a lawyer and was not aware of the subdistrict until after *Louisiana v. Callais* was decided on April 29, 2026. 146 S. Ct. 1131 (2026). This lawsuit was filed little more than two months later, and a motion for preliminary injunction was filed the same day with Plaintiffs serving both the day of filing. Thus, the Court finds that at the very least Plaintiff Ligon has not unduly delayed in bringing this suit.

140. Plaintiff Robert Foster testified that he is not a lawyer and "first learned that the circuit court districts and chancery court districts in DeSoto County had been redrawn by the

legislature” and that the legislation “was creating a majority-minority subdistrict within our county for two judicial seats” in the “summer of 2025, after that legislative session.” P.I. Hrg. Tr. at 341:10–17. Foster reached out to his local state legislators, but even they could not get a map of the subdistrict for him, as they had not seen it themselves. P.I. Hrg. Tr. at 341:18–342:18. Foster testified that he did not see a non-statewide map of the subdistrict until 2026. P.I. Hrg. Tr. at 343:16–20. Foster further testified that in the summer of 2025, when he first learned of the legislation, there were several voting-rights cases being litigated around the state, some focused on DeSoto County. P.I. Hrg. Tr. at 344:3–23. At the time, Foster understood that “it had been standing law for an extended period of time that you could [draw majority-minority districts],” and that “it had been being done around the country for a long time.” P.I. Hrg. Tr. at 345:17–19.

141. Without knowing if he even had a chance at success were he to “sue[] over” the subdistrict, Foster attempted to right the subdistrict’s wrong through the political process, where he began reaching out to state leaders, asking them to make undoing the subdistrict a priority. P.I. Hrg. Tr. at 346:1–13. “[N]othing happen[ed] in the 2026 legislative cycle,” P.I. Hrg. Tr. at 348:13, which adjourned sine die on April 15, 2026, H.C. 64 (2026).

142. Eight days later, on April 23, 2026, Governor Reeves issued a proclamation calling a special session to begin 21 days after the Supreme Court’s decision in *Louisiana v. Callais* to address the Mississippi Supreme Court district. D-33.

143. Foster soon thereafter began calling on the Governor to expand the call to judicial redistricting in DeSoto County. P.I. Hrg. Tr. at 349:16–22. And Foster along with the DeSoto County Board of Supervisors sent a letter on May 5, 2026, to the Governor asking him to add DeSoto County’s new subdistrict to the special session called to address the Mississippi Supreme Court. D-28.

144. Foster called the Mississippi Secretary of State too, who was “supportive” and told Foster that “he would ask the governor specifically to expand the call.” P.I. Hrg. Tr. at 352:15–16.

145. After *Callais* became final on May 6, 2026, --- S. Ct. ----, 2026 WL 1235969, at *1 (May 6, 2026), and the Fifth Circuit and Supreme Court vacated and remanded district court decisions in *White v. State Bd. of Election Comm’rs*, 795 F. Supp. 3d 794 (N.D. Miss. 2025), and *Miss. State Conf. of NAACP v. State Bd. of Election Comm’rs*, 782 F. Supp. 3d 349 (S.D. Miss. 2025), respectively, Governor Reeves unexpectedly cancelled the special session on May 13, 2026. See Anthony Warren and Courtney Ann Jackson, WLBT, *Gov. Tate Reeves officially cancels special session* (May 13, 2026), available at: <https://www.wlbt.com/2026/05/13/gov-tate-reeves-officially-cancels-special-session/>.

146. With nowhere else to turn and reserving federal litigation as the last option, Plaintiffs filed suit on July 2, 2026, immediately moving for an emergency preliminary injunction. See Pls.’ Verified Complaint ECF Doc. No. 1 and Pls.’ Motion for Prelim. Inj. ECF Doc. No. 3.

147. This Court does not fault Plaintiff Foster for first seeking redress through the political process and for not rushing to federal court. *Cf., e.g., FAZE Apparel, LLC v. Faze Clan, Inc.*, 2018 WL 3830027, at 7 n.5 (C.D. Cal. May 22, 2018) (“The Court will not penalize Plaintiff for attempting in good faith to resolve this issue without litigation.”); *Smilecareclub, LLC v. Coast Dental Servs., Inc.*, 2015 WL 11582835, at *3 (S.D. Cal. Jan. 29, 2015) (“It would be inequitable to prevent Coast Dental from litigating in its chosen forum because it tried to resolve its dispute before rushing to the courthouse.”); *Loya v. Wal-Mart Stores East, L.P.*, 669 F. Supp. 2d 1266, 1279 (D.N.M. 2009) (“Ms. Loya should not be penalized for trying to resolve her dispute without litigation.”); *Williams Business Servs., Inc. v. Waterside Chiropractic, Inc.*, 2015 WL 12669830, at *14 (W.D. Wash. Mar. 18, 2015).

148. Indeed, his doing so is consistent with the principle that federal courts should first allow state legislatures to remedy unconstitutional electoral districts. *See, e.g., LULAC v. Perry*, 548 U.S. 399, 461 (2006) (Stevens, J., concurring) (“a state legislature is the institution that is by far the best situated to identify and then reconcile traditional state policies’ with the requirements of federal law” (quoting *Connor v. Finch*, 431 U.S. 407, 414–15 (1977))).

149. Thus, this Court finds no undue delay in Plaintiffs bringing suit.

E. The Requested Relief Is Feasible Before the Election Without Significant Cost, Confusion, or Hardship.

150. Finally, this Court finds that Plaintiffs’ requested relief is more than feasible before the election without significant cost, confusion, or hardship.

151. At the state level, Laura Henderson-Courtney testified that she is the interim head of the Elections Division at the Mississippi Secretary of State’s Office. P.I. Hrg. Tr. at 592:23–25. She testified that the Secretary of State’s Office has spent only thirty hours preparing the documents necessary for the State Board of Election Commissioners (“SBEC”) to approve the statewide ballot. P.I. Hrg. Tr. at 553:20–24. She testified that there are approximately 182 candidates on the ballot this November, meaning that the Secretary of State’s Office has spent approximately 10 minutes per candidate preparing materials for SBEC approval. P.I. Hrg. Tr. at 553:20–555:2. She further testified that it would only take her 16 hours (two full-time work days) to double-check that information for all 182 candidates, which she will do regardless of this Court’s ruling. P.I. Hrg. Tr. at 555:9–21. The SBEC’s meeting to review and approve the ballot lasts only “about 35, 40 minutes.” P.I. Hrg. Tr. at 575:2–3. After the SBEC’s meeting, Henderson-Courtney testified that the sample ballot “should be ready to go within a day or so” to the circuit clerks across Mississippi via SEMS. P.I. Hrg. Tr. at 576:13–14. All in all, the Secretary of State’s Office and

the SBEC would need only several hours in the worst case scenario to approve and finalize the sample ballot if changes were made to the two judicial posts at issue here.

152. The fundamental rights of voters do not yield to such trivial administrative inconveniences. *See, e.g., Robinson v. Ardoin*, 37 F.4th 208, 231 (5th Cir. 2022) (“[T]he *Purcell* doctrine is about voter confusion and infeasibility, not administrative convenience.”); *League of Women Voters of N. Carolina v. North Carolina*, 769 F.3d 224, 244 (4th Cir. 2014) (highlighting “the problem of sacrificing voter enfranchisement at the altar of bureaucratic (in)efficiency and (under-)resourcing”); *Harding v. Edwards*, 484 F. Supp. 3d 299, 317–18 (M.D. La. 2020) (declining to apply *Purcell* where Defendants offered only “unelaborated statement that officials are already ‘making preparations’ for the fall elections”).

153. Laura Henderson-Courtney further testified that the SBEC meeting must occur by August 31—which is not a statutory, just a “self-imposed” deadline—and is currently scheduled for August 25. P.I. Hrg. Tr. at 570:17, 572:18. But there is no legal reason to have that meeting on August 25, and the members of the SBEC frequently send proxies or representatives to the meeting in their place. P.I. Hrg. Tr. at 572:24–573:9. Henderson-Courtney further testified that she was unaware of any penalty or consequence if the SBEC failed to publish the sample ballot before September 4. P.I. Hrg. Tr. at 592:19–20. She likewise testified that the UOCAVA and absentee ballot “deadlines” are flexible as circumstances require under the governing statutes. P.I. Hrg. Tr. at 593:3–608:5.

154. At the county level, Deputy Circuit Clerk for DeSoto County Brandi Johnson testified that it would not be difficult to open the subdistrict races up to the entire county and that she could “carry out the change if the subdistrict is struck down and [the two judicial races at issue] become countywide races.” P.I. Hrg. Tr. at 750:19–24, 748:19–25 (“I would go into SEMS and

change the designation for the assignment of the district, and that’s just a couple of clicks.”). She testified that in total she would only need about 45 minutes to make the necessary adjustments to open the two races up county-wide, as she’s been doing for the last 19 years. P.I. Hrg. Tr. at 749:3–21. Johnson also testified that she personally prints all of DeSoto County’s absentee ballots and programs DeSoto County’s elections, which according to her, “makes it easier” to make the kind of change Plaintiffs request. P.I. Hrg. Tr. at 749:22–750:1. In her 20 years as Deputy Circuit Clerk, Johnson testified that she did not think the requested relief would result in confusion to voters or significant cost, confusion, or hardship to the county. P.I. Hrg. Tr. at 750:25–751:11.

155. The requested relief likewise will not affect election day, per the testimony of DeSoto County Election Commissioner Sissie Ferguson, so long as she is able to order ballots by October 15, 2026. P.I. Hrg. Tr. at 186:25–187:6. Ferguson further testified that she has not started any work to prepare for election day and would not begin printing off forms until the middle of September or training poll managers until the last week of September. P.I. Hrg. Tr. at 187:16–188:4.

156. To highlight the feasibility of the relief requested, the Governor recently created a vacancy for a non-subdistrict elected circuit judge in DeSoto County by appointing then-Judge Celeste Embrey Wilson to the Mississippi Supreme Court. Now-Justice Wilson’s Supreme Court term began on August 1, 2026. P-33. Effective that date, Justice Wilson vacated her seat on the Twenty-first Circuit Court and withdrew from the November 2026 election for circuit judge. Pursuant to Miss. Code Ann. § 23-15-977(4), the Governor “**shall**” declare a vacancy and a special election to fill Justice Wilson’s vacated seat, with a qualifying deadline of August 20.

157. The same process is being requested by Plaintiffs for the Place Four circuit judge and Place Three chancellor, and given that a special election will already be occurring in November

and a qualifying deadline reopened, this Court finds that it is more than feasible for all of Plaintiffs' requested relief to occur in time for the SBEC to approve the ballot and the circuit clerk to make the proper arrangements before UOCAVA and absentee voting begins.

158. The State Defendants called only one rebuttal witness, focused entirely on the harms that will be experienced by candidates if this Court orders the requested relief. Malenda Harris Meacham testified that she has spent money, time, and effort campaigning for chancellor and that if the election is opened to the entire county, she will have to spend more money, time, and effort campaigning away from the subdistrict and buying additional campaign materials. P.I. Hrg. Tr. at 833:2–834:25. But as Plaintiffs point out, Meacham has participated in more campaign events outside the subdistrict than she does inside the subdistrict, so she is already campaigning throughout DeSoto County, as are all the other candidates running for the subdistrict's judicial posts. P.I. Hrg. Tr. at 368:22–384:9; *see also* P-16, P-17, P-18, P-19, P-20, P-21, P-22. And Meacham will enjoy the benefit of an early start on the campaign trail over any potential additional candidates who might enter her race, and she's on equal footing with the only opponent in her judicial race as of now. The mere fact that Meacham will have to spend more time and money on her campaign if she so chooses is not a cost that outweighs the irreparable harm that Plaintiffs and 86% of DeSoto County's registered voters face in November.

159. Moreover, the State Defendants and the Intervenor Defendants did not put forth any testimony or other evidence that voters in DeSoto County will be confused if this Court orders the requested relief. The only evidence of confusion or the absence thereof benefits Plaintiffs. Sissie Ferguson, Brandi Johnson, and Representative Eubanks are all disinterested witnesses who are voters in DeSoto County, as well as Plaintiffs. They have all testified that there will not be any significant confusion to them should this Court order the requested relief. P.I. Hrg. Tr. at 142:24–

145:10 (Eubanks), 198:9–22, 247:18–20 (Ferguson); 397:21–25 (Foster); 750:25–751:11 (Johnson). And the Court heard testimony that the challenged legislation is more confusing than any relief this Court might order. P.I. Hrg. Tr. at 177:5–23 (Eubanks), 271:17–272:4 (Ferguson), 385:23–386:9, 398:1–7, 528:6–11, 530:20–22 (Foster), 736:16–737:2 (Johnson).

160. Exacerbating the existing confusion is the State’s own misstatements to the public, corrected only after errors on the State’s websites was pointed out in this litigation. P.I. Hrg. Tr. at 678:4–679:4 (Henderson-Courtney explaining change to Election Calendar during litigation without updating “last revised” date, *compare* P-25 with D-17), 615:6–617:24 (Henderson-Courtney recognizing that absentee voting FAQ page on Secretary of State’s website—admitted as P-32—was updated after someone showed her the incorrect version printed and filed during this litigation).

161. The evidence shows that the state of things surrounding the subdistrict’s use in the November 2026 general election is more confusing than maintaining the status quo in DeSoto County’s judicial elections as it has been for the past few decades where the bills themselves are confusing, the split precincts and the lack of knowledge as to how they are split risks confusing voters and poll workers, and the State itself has been spreading misinformation about the electoral process while covering their tracks during this litigation. *LULAC v. Executive Office of the President*, 818 F. Supp. 3d 34, 82–83 (D.D.C. 2026) (finding *Purcell* inapplicable where Plaintiffs’ requested relief “would not alter the status quo” but instead prevent enforcement of altered laws before the election); *Singleton v. Allen*, --- F. Supp. 3d ----, 2026 WL 1469518, at *3–5 (N.D. Ala. 2026) (finding *Purcell* inapplicable because “federal law supplies no basis for confusion to override a clearcut right to relief from an intentionally discriminatory map” and where the state’s operation under 2023 map “would be enormously disruptive, clearly unlawful, and not

necessary”); *New Hampshire Youth Movement v. Scanlan*, --- F. Supp. 3d ----, 2026 WL 1500857, at *45 (D.N.H. May 28, 2026) (finding *Purcell* inapplicable “where the primary reason for applying that standard—risk of voter confusion—is lacking” and where voters had relied on requested relief in the past and “election officials already know how to administer elections” under that requested relief (cleaned up)); *Am. Council of Blind Indiana v. Indiana Election Comm’n*, 2022 WL 702257, at *7 (S.D. Ind. Mar. 9, 2022) (finding limited injunction appropriate despite *Purcell* where injunctive relief “would not constitute the kind of significant change or result in confusion that the *Purcell* principle seeks to avoid,” considering in particular what voters were already permitted to do before”); *Carey v. Wisc. Elections Comm’n*, 624 F. Supp. 3d 1020 (W.D. Wis. 2022) (enjoining state law after state supreme court interpretation of state law created confusion, where “[a]bsentee ballots will not be sent out to voters until September 22,” where any assumed burden on the state was “justified by the clear violation of plaintiffs’ federal rights,” and where the “court’s order won’t create confusion but rather will alleviate it by clarifying election officials’ obligations under federal law.”); *One Wisc. Inst., Inc. v. Thomsen*, 490 F. Supp. 3d 1338, 1342 (W.D. Wis. 2020) (enjoining state law on September 28 before November election where plaintiffs showed “some prospects of success on the merits” and where an injunction “should minimize confusion, not increase it.”); *Democracy North Carolina v. N.C. State Bd. of Elections*, 476 F. Supp. 3d 158, 239 (M.D. N.C. 2020) (issuing preliminary injunction on August 4 ahead of November election where the injunction did “not constitute a last-minute alteration of election law likely to create voter confusion” where “the absentee voting rules have yet to be finalized” and “absentee voting has not yet started”).

162. And there’s no brightline rule for apply *Purcell* a certain number of days before an election. *Robinson v. Ardoin*, 37 F.4th 208, 229 (5th Cir. 2022) (“That is not to say that *Purcell* is

just a tallying exercise. It is not.”); *see also Louisiana v. Callais*, 146 S. Ct. 1131, 1162 (2026) (finding that majority-minority district in Louisiana was an unconstitutional racial gerrymander and prohibiting its further use ahead of congressional primary), *judgment entered forthwith* 608 U.S. ----, 146 S. Ct. 1111 (May 4, 2026) (issuing judgment forthwith over the Robinson appellant’s *Purcell* objections, a month after UOCAVA ballots had been mailed and a few days after absentee ballots had been mailed, *see Robinson Appellant’s Response to Appellees’ Application for Issuance of a Copy of the Opinion and Certified Copy of the Judgment Forthwith*, 2026 WL 1233897); *Georgia Muslim Voter Project v. Kemp*, 918 F.3d 1262 (11th Cir. 2019) (denying stay of injunction on November 2 on the eve of November election); *Count US IN v. Morales*, --- F. Supp. 3d ----, 2026 WL 1009067, at *6 (S.D. Ind. Apr. 14, 2026) (enjoining election law less than three weeks before Indiana’s primary election where injunctive relief would continue a practice that had historically been used in Indiana), *stayed pending appeal*, 172 F.4th 974 (7th Cir. 2026); *Jones v. United States Postal Service*, 488 F. Supp. 3d 103 (S.D. N.Y. 2020) (September 21 ruling enjoining USPS from taking certain actions in advance of the November general election); *Yang v. Kosinski*, 805 F. App’x 63 (2d Cir. 2020) (May 19 order affirming the district court’s grant of a preliminary injunction that ordered the state to hold a primary on June 23 and to reinstate candidate names to the ballot for that primary); *Harris v. McCrory*, 159 F. Supp. 3d 600 (M.D.N.C. 2016) (February 5 ruling enjoining a state from using its enacted map and ordering the general assembly to draw a new congressional district plan despite a mid-March primary), *stay denied*, 577 U.S. 1129 (2016); *Democratic Congressional Candidate Committee v. Kosinski*, 614 F. Supp. 3d 20, 58-61 (S.D. N.Y. 2022) (issuing injunction one month before early voting).

163. The equities weigh in favor of Plaintiffs. And because the requested relief is more than feasible with minimal confusion, hardship or cost, the Court finds that Plaintiffs overcome *Purcell* where the very concerns that *Purcell* exists to protect are absent.

CONCLUSION

Plaintiffs have demonstrated a clearcut substantial likelihood of success on the merits of their claims and irreparable injury absent an injunction. The balance of the equities and the public interest weigh plainly in favor of an injunction. And Plaintiffs have presented sufficient evidence to overcome *Purcell*. Therefore, Plaintiffs' Motion for Preliminary Injunction is **GRANTED**.

IT IS THEREFORE ORDERED that the State Defendants are hereby **ENJOINED** from utilizing the challenged subdistricts in the November 2026 general election and any election thereafter.

IT IS THEREFORE FURTHER ORDERED that the State accept newly qualified candidates for the two judicial posts at issue here until August 20.

DATED: August 8, 2026.

Respectfully submitted,

BY: /s/ Channing J. Curtis

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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record/ECF participants.

This, the 8th day of August 2026.

/s/ Channing J. Curtis