

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

ROBERT FOSTER; KATIE LIGON; KIRBY
CARTER; JOHN T. WILLIAMS,

Plaintiffs,

vs.

THE STATE OF MISSISSIPPI; THE STATE
BOARD OF ELECTION COMMISSIONERS;
TATE REEVES, *in his official capacities as
Governor of the State of Mississippi and a
Member of the State Board of Election
Commissioners*; LYNN FITCH, *in her official
capacities as the Mississippi Attorney General
and a Member of the State Board of Election
Commissioners*; and MICHAEL WATSON, *in
his official capacities as the Mississippi Secretary
of State and a Member of the State Board of
Election Commissioners,*

Defendants.

**CIVIL ACTION NO.
3:26-CV-00181-SA-JMV**

**[PROPOSED] INTERVENOR-DEFENDANTS DESOTO COUNTY NAACP AND
DELTA SIGMA THETA SORORITY, INC.'S MEMORANDUM OF LAW IN SUPPORT
OF MOTION TO INTERVENE**

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INTRODUCTION

Plaintiffs apparently seek to dismantle DeSoto County's only Black-majority judicial district for electing judges to the circuit and chancery courts—a district that represents the sole opportunity for Black residents to successfully elect their preferred candidates. The DeSoto County Branch of the National Association for the Advanced of Colored People (DeSoto County NAACP) and Delta Sigma Theta Sorority, Inc. (Delta Sigma Theta) (collectively, Proposed Intervenors) move to intervene in this case to protect the interests of Black residents in DeSoto County, to ensure that any resolution of this case adequately considers their right to be free from vote dilution and other violations of their rights.

Proposed Intervenors are entitled to intervene as of right under Federal Rule of Civil Procedure 24(a)(2) because: (i) the motion is timely, filed approximately one week after commencement of the case and before any deadlines in the case, and accompanied by a ready-to-file response to the pending preliminary injunction motion; (ii) they have a substantial legal interest in the subject matter of the pending action, *i.e.*, protecting their and their members' right to vote, particularly under Section 2 of the Voting Rights Act; and (iii) the named Defendants may not adequately represent Proposed Intervenors' interests in vigorously defending the challenged subdistrict, because the named Defendants have repeatedly opposed the creation of Black-majority districts in DeSoto County and in Mississippi, have expressed narrower views of the scope of Section 2, represent different or broader interests, and may have different priorities in seeking to defend the challenge laws. Alternatively, the Court should permit Proposed Intervenors to intervene under Federal Rule of Civil Procedure 24(b)(1)(B) because intervention will not prejudice the other parties, and Proposed Intervenors' participation involves common questions of

law and fact and will, particularly with the participation of experienced voting-rights counsel, aid the Court by providing a nuanced and comprehensive view of the issues.¹

To the extent that this Court permits intervention of the other proposed intervenor, Malenda Harris Meacham, who is a candidate running in the challenged subdistrict this cycle, Proposed Intervenors' interests would remain inadequately represented. Ms. Meacham's only stated interest in the case is the investment of "substantial resources to qualify as a candidate" in the current election cycle, and that differs from Proposed Intervenors' interests for multiple reasons. *See* Malenda Harris Meacham Mot. to Intervene at 2, Dkt. No. 15. First, Proposed Intervenors are the only ones whose stated interest is the protection of the rights of Black voters in DeSoto County, independent of any particular candidate's political interests or electoral prospects. Relatedly, Ms. Meacham's intervention papers do not appear to raise any defenses or arguments based on voting rights law or the particular interests of Black voters. Proposed Intervenors, by contrast, are represented by experienced voting rights litigators (who have recently tried cases pertaining to the Mississippi Supreme Court districts before this Court and the legislative districts in the Southern District of Mississippi), and their participation would therefore would aid this Court in its resolution of this case. Finally, Ms. Meacham's stated interest is limited to her investment of resources *this year*, and that interest may lapse after November 2026, particularly if she does not prevail in the contested election.

The Court should grant Proposed Intervenors' motion to intervene.

¹ In addition to the undersigned counsel, attorneys experienced in complex voting rights litigation, including such litigation before the Northern and Southern Districts of Mississippi, from the American Civil Liberties Union Voting Rights Project and the NAACP Legal Defense and Educational Fund, Inc. intend to move for admission *pro hac vice* to represent Proposed Intervenors.

BACKGROUND

I. STATUTORY BACKGROUND

The Mississippi Constitution requires that the Mississippi legislature redraw its circuit court and chancery court districts within five years of each decennial census. Miss. Const. art. 6, § 152. Last year, the Mississippi legislature completed its judicial redistricting by passing H.B. 1544, which reconstituted the state’s circuit courts, and S.B. 2768, which concerned the chancery courts.

As pertinent to this case, Section 38 of H.B. 1544 (codified at Miss. Code Ann. § 9-7-63) designated the 21st Circuit Court District as consisting of DeSoto County. DeSoto County is a majority-White county, Mem. in Support of Pls.’ Preliminary Injunction (Pls.’ Mem.) at 4–5, Dkt. No. 4, with municipalities, including Horn Lake and Southaven, that have large Black populations.² The county has seen significant population growth in recent years, particularly in Southaven.³ DeSoto County has been the subject of voting rights litigation in federal court that stemmed from a lack of electoral districts that give equal opportunity to Black voters the county to elect their preferred candidates. *See, e.g., Miss. State Conf. of NAACP v. State Bd. of Election Comm’rs*, 739 F. Supp. 3d 383, 435–36 (S.D. Miss. 2024).

Section 39 of H.B. 1544 (codified at Miss. Code Ann. § 9-7-64) provided for three circuit judgeships in the 21st Circuit—all three of which are elected countywide by the voters of DeSoto County. H.B. 1544 § 39, 2025 Reg. Sess., 125th Sess. (Miss. 2025). Section 39 further provided

² U.S. Census Bureau, *QuickFacts*, *Southaven, Mississippi*, <https://www.census.gov/quickfacts/fact/table/southavencitymississippi/INC110224>; U.S. Census Bureau, *QuickFacts*, *Horn Lake, Mississippi*, <https://www.census.gov/quickfacts/fact/table/hornlakecitymississippi/BZA210223>.

³ U.S. Census Bureau, *QuickFacts*, *DeSoto County, Mississippi*, <https://www.census.gov/quickfacts/fact/table/desotocountymississippi/PST045225>; U.S. Census Bureau, *QuickFacts*, *Southaven, Mississippi*, <https://www.census.gov/quickfacts/fact/table/southavencitymississippi/INC110224>.

that, starting on January 1, 2027, the 21st Circuit Court would have a fourth judge. *Id.* Unlike the three countywide seats, the fourth judge is to be elected by the voters from a subdistrict (denominated as Circuit Court District 21-1) within DeSoto County, consisting of nine designated precincts: “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*.”⁴ *Id.* According to Plaintiffs, the Black Voting Age Population (BVAP) of the subdistrict is 50.52%, while the countywide BVAP is 24.85%. Pls.’ Mem. at 4. To Proposed Intervenors’ knowledge, no Black jurist has ever been elected to circuit or chancery court for DeSoto County.

Section 5 of S.B. 2768 (codified at Miss. Code Ann. § 9-5-13) provided for the creation of the Third Chancery Court District, consisting of three chancellors, one of whom is elected countywide by the voters of DeSoto County (with the remaining two chancellors elected from combinations of several other counties). Section 23 further provided that, starting on January 1, 2027, DeSoto County shall be removed from the Third Chancery Court District and assigned its own district, the 17th Chancery Court District, consisting of three chancellors. Two of the chancellors are to be elected countywide from DeSoto County, while the third is to be elected from a subdistrict (denominated as Chancery Court District 17-1) consisting of the same nine precincts as the 21-1 subdistrict for circuit court elections: “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*.”

⁴ Precincts denoted with an asterisk are split, with the splits defined by a Split Precinct Block List filed with the Secretary of State. S.B. 2768 § 27, 2025 Reg. Sess., 125th Sess. (Miss. 2025).

Nonpartisan elections for circuit and chancery court are currently scheduled for November 3, 2026. Candidates were required to qualify for these elections between January 2, 2026, and February 2, 2026.⁵ Two candidates—Gwendolyn Baptist and Malenda Harris Meachem—have qualified for the 17-1 Chancery Court subdistrict; two candidates—Lucius Edwards and John Hughes—have qualified for the 21-1 Circuit Court subdistrict.⁶

More than a year after the passage of H.B. 1544 and S.B. 2768—and more than five months after candidates have finished qualifying to run in the subdistricts—Plaintiffs commenced this action, challenging the constitutionality of the subdistricts. *See* Compl. at 16–18, Dkt. No. 1. Plaintiffs also filed, on July 2, 2026, an urgent and necessitous motion for a preliminary injunction. Dkt. No. 3. A hearing was set for July 31, 2026, Dkt. No. 29, which is less than two months before September 19, 2026, the deadline for absentee ballots to be made available to voters before the November 2026 general election.⁷

II. PROPOSED INTERVENORS

The DeSoto County NAACP is DeSoto County’s branch of the National Association for the Advancement of Colored People (NAACP), a national, nonpartisan, not-for-profit membership organization. Ex. C, Decl. of Robert Tipton, Jr. (Tipton Decl.) ¶ 3. Nationally, the NAACP works to, among other objectives, ensure the political, educational, social, and economic equality of all citizens; to achieve equality of rights and eliminate racial prejudice; to remove all barriers of racial

⁵ Miss. Sec’y of State’s Off., *2026 Elections Calendar*, <https://www.sos.ms.gov/sites/default/files/elections/2026%20Elections%20Calendar.pdf> (last visited July 16, 2026); *see also* Miss. Code Ann. § 23-15-977.

⁶ DeSoto Cnty., *2026 Judicial & Federal Candidate Listing*, <https://www.desotocountymiss.gov/980/2026-Judicial-Federal-Candidate-Listing> (last visited July 16, 2026).

⁷ Miss. Sec’y of State’s Off., *2026 Elections Calendar*, <https://www.sos.ms.gov/sites/default/files/elections/2026%20Elections%20Calendar.pdf> (last visited July 16, 2026).

discrimination through democratic processes; and to educate persons on their constitutional rights and on lawfully securing the exercise thereof. *Id.* ¶ 4. The DeSoto Branch supports the NAACP's policies and objectives by working to eliminate racial prejudice; inform the public of the adverse effects of discrimination and take lawful action to secure its elimination; and to improve the political, social, and economic status of African Americans and other racial and ethnic minorities. *Id.* ¶ 5.

The DeSoto County NAACP has 142 members, a subset of whom reside in the challenged subdistrict. Tipton Decl. ¶¶ 7, 8, 10. Members of the DeSoto County NAACP also assist interested DeSoto County individuals with voter registration. *Id.* ¶ 7. The DeSoto County NAACP has a direct interest in the outcome of Plaintiffs' motion because granting preliminary relief would deny its members who reside in the subdistrict a fair opportunity to elect candidates of their choice. *Id.* ¶ 11.

Delta Sigma Theta Sorority is a national, nonpartisan, not-for-profit membership service organization comprised predominantly of Black women. Ex. D, Decl. of Dorcas E. Washington (Washington Decl.) ¶ 4. Delta Sigma Theta has made civic engagement a core tenet of its mission since its founding in 1913, based on the conviction that democracy and justice can only be achieved through voting. *Id.* ¶¶ 4–5. Consistent with this mission, Delta Sigma Theta and its chapters engage in nonpartisan civic engagement, election education, and advocacy nationwide, including voter education efforts to encourage voter registration and turnout. *Id.* ¶¶ 3, 6.

Delta Sigma Theta has a direct and substantial presence in Mississippi and, specifically, in the subdistrict at issue in this litigation. *Id.* ¶ 9. Delta Sigma Theta has 75 alumnae and college chapters and more than 1,000 members across the state, including 234 members in DeSoto County. *Id.* ¶ 7. The DeSoto County chapter coordinates with other civic-minded organizations in the

county to provide voter education and to encourage registration and turnout, and several of its members are Black registered voters who live and vote in Horn Lake and Southaven. *Id.* ¶¶ 6–7. At least 92 members of the DeSoto County chapter reside within the subdistrict that Plaintiffs now seek to enjoin. *Id.* ¶¶ 8–9. Delta Sigma Theta has a direct interest in the outcome of Plaintiffs’ motion, as granting preliminary injunctive relief would deny the residents of the subdistrict, including its own members, a fair opportunity to elect their candidates of choice. *Id.* ¶ 10.

ARGUMENT

I. PROPOSED INTERVENORS ARE ENTITLED TO INTERVENE AS OF RIGHT UNDER RULE 24(A)(2).

Under Rule 24(a) of the Federal Rules of Civil Procedure, a non-party “is entitled to intervention as of right if: (1) the application for intervention is timely; (2) the applicant has an interest relating to the property or transaction which is the subject of the action; (3) the applicant is so situated that the disposition of the action may, as a practical matter, impair or impede his ability to protect that interest; (4) the applicant’s interest is inadequately represented by the existing parties to the suit.” *Rotstain v. Mendez*, 986 F.3d 931, 936–37 (5th Cir. 2021) (citation modified); Fed. R. Civ. P. 24(a). Although the party seeking to intervene “bears the burden of establishing its right to intervene, Rule 24 is to be liberally construed.” *Brumfield v. Dodd*, 749 F.3d 339, 341 (5th Cir. 2014). As such, “[f]ederal courts should allow intervention where no one would be hurt and the greater justice could be attained.” *La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 305 (5th Cir. 2022) (citation omitted).

Proposed Intervenor satisfies each of the four elements for intervention as of right.

A. Proposed Intervenor’s Motion Is Timely.

The motion to intervene is timely. The timeliness of intervention “is to be determined from all the circumstances.” *Stallworth v. Monsanto Co.*, 558 F.2d 257, 263 (5th Cir. 1977) (citation

omitted). The Fifth Circuit has articulated a four-factor test for evaluating the timeliness of a motion to intervene: (1) the amount of time during which intervenors “actually know or reasonably should have known of [their] interest in the case;” (2) how much prejudice existing parties may suffer as a result of intervenors’ failure to request intervention “as soon as [they] knew or reasonably should have known about [their] interest in the action;” (3) the amount of prejudice that would be suffered by the intervenors if their request is denied; and (4) “the existence of unusual circumstances militating either for or against a determination that the application is timely.” *Id.* at 264–66. Here, there is no question that the proposed intervention is timely: Proposed Intervenors seek intervention within two weeks of the case being filed and well before any “legally significant proceedings” in the case. *Diaz v. S. Drilling Corp.*, 427 F.2d 1118, 1125 (5th Cir. 1970). Thus, each *Stallworth* factor counsels in favor of intervention.

The first *Stallworth* factor examines the duration of time that intervenors “actually know or reasonably should have known of [their] interest in the case.” 558 F.2d at 264. Here, Proposed Intervenors did not and could not have known that their interest in fair representation was at stake until this case was filed on July 2, 2026. *See* Compl., Dkt. No. 1. The complaint was filed two weeks ago, and this case is undoubtedly in its infancy. Indeed, no responsive pleading has been filed, and Proposed Intervenors are including a proposed response to Plaintiffs’ motion for preliminary injunction to ensure no disruption to the briefing schedule set by this Court. Proposed Intervenors have sought to intervene at the earliest stage possible, and the timeliness factor is easily met. *See La. State Conf. of NAACP v. Louisiana*, No. 19-cv-479, 2022 WL 2663850, at *6 (M.D. La. July 11, 2022) (“The Fifth Circuit has found motions to intervene filed both close to and longer than two months [after learning of one’s interest in a matter] were timely.”); *see, e.g., Ass’n of Prof. Flight Attendants v. Gibbs*, 804 F.2d 318 (5th Cir. 1986) (five-month lapse found not

unreasonable); *cf. Stallworth*, 558 F.2d at 267 (movants acted quickly by seeking intervention less than one month after district court entered consent order).

The second and third *Stallworth* factors concern prejudice: the degree of prejudice existing parties may suffer as a result of intervenors' failure to request intervention "as soon as [they] knew or reasonably should have known about [their] interest in the action," and the amount of prejudice that would be suffered by the intervenors if their request is denied. 558 F.2d at 264–65. Because intervention will not delay resolution of the litigation, intervention does not prejudice the parties and should be allowed. *Cf. Edwards v. Houston*, 78 F.3d 983, 1001 (5th Cir. 1996) ("[T]hat these motions were filed prior to entry of judgment favors timeliness, as most of our case law rejecting petitions for intervention as untimely concern motions filed after judgment was entered in the litigation."). Plaintiffs do not seek to postpone any deadlines and have attached a filing-ready brief in response to Plaintiffs' motion for a preliminary injunction.⁸ By contrast, Proposed Intervenors and their members will face substantial prejudice if they cannot intervene to protect the rights of voters in DeSoto County, as discussed further below.

Finally, there are no "unusual circumstances militating either for or against a determination that the application is timely." *Stallworth*, 558 F.2d at 265–66.

Accordingly, the *Stallworth* factors support a finding of timeliness.

B. Proposed Intervenors Have a Substantial Legal Interest in the Case.

As organizations representing the interests of members who reside in the challenged

⁸ In the event that the Court denies intervention, the DeSoto County NAACP respectfully requests that the Court accept the proposed opposition to the motion for preliminary injunction as an amicus brief. *See, e.g., Cox v. Morris*, No. 3:18-CV-30-DMB-JMV, 2019 WL 1601367, at *5 (N.D. Miss. Apr. 15, 2019) ("District courts have inherent authority to appoint or deny amici which is derived from Rule 29 of the Federal Rules of Appellate Procedure. Factors relevant to the determination of whether amicus briefing should be allowed include whether the proffered information is timely or useful or otherwise necessary to the administration of justice." (citation omitted)).

subdistrict, Proposed Intervenorors have a substantial legal interest in the case and satisfy the second requirement for intervention. The Fifth Circuit has explained that a substantial legal interest is “an interest that is concrete, personalized, and legally protectable.” *Texas v. United States*, 805 F.3d 653, 658 (5th Cir. 2015). “[T]he inquiry turns on whether the intervenor has a stake in the matter that goes beyond a generalized preference that the case come out a certain way.” *Id.* at 657. Moreover, because this case “involves a public interest question” and Proposed Intervenorors are “public interest group[s],” “the interest requirement may be judged by a more lenient standard” and therefore “easily supports intervention” here. *Brumfield*, 749 F.3d at 344 (cleaned up).

The right to participate in elections without having one’s vote diluted constitutes a substantial legal interest. Indeed, while those seeking to intervene as defendants need not clear the more stringent requirement of Article III standing, voters and civic organizations like Proposed Intervenorors routinely serve as plaintiffs in vote dilution and Voting Rights Act cases. *See, e.g., Harris v. DeSoto Cnty., Miss.*, 813 F. Supp. 3d 674, 684 (N.D. Miss. 2025); *see also Gill v. Whitford*, 585 U.S. 48, 67 (2018); *Harding v. Cnty. of Dallas, Tex.*, 948 F.3d 302, 307 (5th Cir. 2020). Proposed Intervenorors’ members include Black voters who reside in the subdistrict that Plaintiffs contend “benefit[s]” Black voters by allowing them to form a majority and elect their preferred judicial candidates. *See* Compl. ¶¶ 56, 59, 63, 73, Dkt. No. 1. Indeed, without admitting whether the subdistrict was constructed for that purpose or whether or how race was used in the construction of the district, Proposed Intervenorors are unaware of any Black judge ever having been elected to circuit or chancery court from DeSoto County—and this year is the first time that the subdistrict is in use. Moreover, elections in DeSoto County, including non-partisan judicial elections, are polarized along racial lines, such that, in the absence of some districting solution like the subdistrict, Black candidates preferred by Black voters will consistently lose in countywide

elections. *See Miss. State Conf. of NAACP*, 739 F. Supp. 3d at 441 (“We find racial polarization among voters in Mississippi is quite high. . . . Black-preferred candidates are consistently unable to win elections unless running in a majority-minority district.”); *id.* at 435–36 (relying on evidence of polarization in northwest Mississippi, including DeSoto County, and also finding no evidence of regional difference in polarization in the state); *White v. State Bd. of Election Comm’rs*, 795 F. Supp. 3d 794, 823–25 (N.D. Miss. 2025) (finding that Black and White Mississippians vote for opposing judicial candidates), *vacated and remanded*, No. 25-60506, 2026 WL 1340213 (5th Cir. May 11, 2026). Plaintiffs now seek to dismantle the newly-drawn subdistrict and prevent elections from being conducted using the subdistrict—Proposed Intervenor has a substantial interest in preventing that outcome, which would deny their members and the growing Black population of DeSoto County⁹ any fair opportunity to elect one of the circuit judges and one of the chancery court judges for the County. Proposed Intervenor should be granted intervention to advocate for outcomes that ensure that Black voters in DeSoto County have an equal opportunity to elect their preferred candidates.

Accordingly, Proposed Intervenor has a legal interest in the outcome of this litigation and can offer a unique and important perspective on the issues before the Court.

C. Proposed Intervenor’s Ability to Protect Their Interests Will Be Impaired Absent Intervention.

The Proposed Intervenor also satisfy the third requirement for intervention, because Plaintiffs seek relief that will impair their interests. The burden to show that “the disposition of

⁹ Bobby Harrison, *Lawmakers face redistricting reality: Mississippi’s non-white population is growing*, Miss. Today (Oct. 12, 2021), <https://mississippitoday.org/2021/10/12/mississippi-non-white-population-is-growing-redistricting/> (showing that non-White population in DeSoto County grew at the largest rate among all of the counties in Mississippi between 2010 and 2020 Census); *See also Harris v. DeSoto Cnty.*, Miss., 813 F. Supp. 3d 674, 690 (N.D. Miss. 2025) (discussing DeSoto County’s growing Black population).

the action ‘may’ impair or impede their ability to protect their interests” is a “*minimal*” one. *Brumfield*, 749 F.3d at 344 & n.2 (quoting *Grutter v. Bollinger*, 188 F.3d 394, 399 (6th Cir. 1999)). Prospective intervenors “need only show that if they cannot intervene, there is a *possibility* that their interest could be impaired or impeded.” *La Union del Pueblo Entero*, 29 F.4th at 307 (emphasis added); see *Brumfield*, 749 F.3d at 344 (“The impairment requirement does not demand that the movant be bound by a possible future judgment, and the current requirement is a great liberalization of the prior rule.”).

If their case is successful, Plaintiffs will dilute the voting strength of Proposed Intervenors’ members who reside in the subdistrict and prevent them from electing their preferred candidates. Plaintiffs expressly seek to prevent Defendants from holding elections in the majority-Black subdistrict, where Proposed Intervenors and their members reside. Compl. at 17, Dkt. No. 1. Rather than allowing for the election of at least one circuit or chancery court judge from a majority-Black district, Plaintiffs ask that all four circuit judges and all three chancery judges be elected by “all voters in DeSoto County,” a majority-White county where Black voters make up about one-third of the electorate.¹⁰ Again, there is no question that Black and White Mississippians overwhelmingly vote for different candidates, including in judicial elections and in DeSoto County specifically. See *White*, 795 F. Supp. 3d at 823–25; *Miss. State Conf. of NAACP*, 739 F. Supp. 3d at 435–36. Thus, if Plaintiffs obtain their preferred remedy of eliminating the only Black-majority judicial district in DeSoto County, as history shows, Black voters like Proposed Intervenors’ members in DeSoto County would be unable to successfully elect a single circuit or chancery court judge of their choice.

¹⁰ See U.S. Census Bureau, *Quick Facts, DeSoto County, Mississippi*, <https://www.census.gov/quickfacts/fact/table/desotocountymississippi/PST045225> (last visited July 16, 2026).

Thus, Plaintiffs’ claims, if successful, may “impair or impede [Proposed Intervenor’s] ability to protect their interests.” *See Brumfield*, 749 F.3d at 344.

D. Defendants Inadequately Represent Proposed Intervenor’s Interests.

The Proposed Intervenor’s interests are not adequately represented by Defendants, who consistently oppose Black voters’ efforts to create majority-Black districts and have differing views on the State’s obligation to do so under Section 2 of the Voting Rights Act. Under Rule 24, a proposed intervenor need not show that the representation by existing parties *will* be inadequate. *Entergy Gulf States La., L.L.C. v. U.S. E.P.A.*, 817 F.3d 198, 203 (5th Cir. 2016). All that is required is the “minimal” burden of showing that the representation “may be” inadequate. *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972). Here, Proposed Intervenor easily meet this minimal burden, as multiple factors point to a potential divergence in interests and thus inadequacy of representation.

Legal positions taken by the State of Mississippi indicate that Defendants may not fully and vigorously defend legislation providing for Black-majority districts, *including in DeSoto County*, that may be required to be created under Section 2 of the Voting Rights Act. In 2025, a three-judge panel in the Southern District of Mississippi ruled against these exact Defendants and held that Mississippi’s state senate district lines in the DeSoto County area violated Section 2 of the Voting Rights Act. *Miss. State Conf. of the NAACP v. State Bd. of Election Comm’rs*, 782 F. Supp. 3d 336, 339 (S.D. Miss. 2025). Rather than order a remedial plan, the court allowed the Mississippi legislature an opportunity to enact a new plan that would comply with the Voting Rights Act. *Id.* The three-judge panel then determined that the new Black-majority district created by the State in the DeSoto County area still did not provide sufficient opportunity for Black voters,

because candidates preferred by White voters would continue to win most elections in the new district.¹¹ *Id.* at 345.

Even if Defendants were to defend H.B. 1544 and S.B. 2768 as enacted, should Plaintiffs prevail on liability, Defendants may not advocate for a remedy that protects the particular interests of Black voters or their right to be free from vote dilution under Section 2 of the Voting Rights Act and the Fourteenth and Fifteenth Amendments. *La Union del Pueblo Entero*, 29 F.4th at 308 (“[T]here are reasons to believe [Proposed Intervenor’s] interests are less broad than those of the governmental defendants, which may lead to divergent results.”). As reflected in ongoing litigation between Defendants and Black voters, including the Mississippi State Conference of the NAACP (of which the DeSoto County NAACP is a part), Defendants have a narrower view of what Section 2 requires than Black voters seeking the creation of Black-majority districts, particularly after the Supreme Court’s decision in *Louisiana v. Callais*, 146 S. Ct. 1131 (2026). *See* Defs.’ Response to Court Order at 1–2, *White v. State Bd. of Election Comm’rs*, No. 4:22-cv-62-SA, Dkt. No. 314 (N.D. Miss. May 26, 2026). Indeed, between *Mississippi State Conference of the NAACP* and *White*, Defendants have recently opposed the creation of additional Black-majority districts in Mississippi in two federal lawsuits, including one specifically pertaining to political representation of Black voters in the DeSoto County area and the other concerning judicial districts.

This divergence is especially important here because, as explained in detail in the attached proposed brief in opposition to the pending motion for a preliminary injunction, there is relief that

¹¹ The court then directed the parties to submit alternative maps, ultimately adopting Defendants’ proposal that raised the remedial district’s Black Voting Age Population—that judgment was vacated and remanded by the Supreme Court in light of *Louisiana v. Callais*, 146 S. Ct. 1131 (2026). *See Miss. State Conf. of NAACP v. State Bd. of Election Comm’rs*, 782 F. Supp. 3d 349, 360 (S.D. Miss. 2025), *vacated and remanded sub nom. Bd. of Election Comm’rs v. NAACP*, No. 25-234, 2026 WL 1377105 (U.S. May 18, 2026).

this Court could order that would entirely remedy Plaintiffs' only potential harm while maintaining the subdistrict designed by the Legislature. Specifically, the Court could order that the voters in the subdistrict elect one circuit judge and one chancery court judge, and that the voters outside the subdistrict elect the rest on an at-large basis. *See* Ex. B, Proposed Intervenor's Proposed Opposition to Pls.' Mot. for Preliminary Injunction at 16–18. This limited remedy would harmonize the operation of the DeSoto County subdistrict with other subdistricts in the state that Plaintiffs do not challenge and that they concede are permissible. But it is far from obvious that the State Defendants would propose or support that remedy.

Separately, Ms. Meacham, who is a candidate running in the challenged subdistrict this cycle, has also filed a motion to intervene, but she does not adequately represent the Proposed Intervenor's interests either. According to her motion papers, Ms. Meacham's sole interest in the case is her investment of "substantial resources to qualify as a candidate" in the current election cycle, which differs significantly from those asserted by the Proposed Intervenor. *See* Meacham Mot. to Intervene at 2, Dkt. No. 15. First, the Proposed Intervenor would be the only party whose stated interest is the protection of the rights of Black voters in DeSoto County, independent of any particular candidate's electoral or political prospects. Second, and relatedly, Ms. Meacham's intervention papers do not appear to raise any defenses or arguments based on voting rights law, including whether the subdistrict at issue is required to be created by Section 2 of the Voting Rights Act. *See generally* Proposed Meacham Ans., Dkt. No. 15-4. Intervention by the Proposed Intervenor will add significant value to the case by presenting such arguments: The Proposed Intervenor is the DeSoto County NAACP, which is part of one of the oldest civil rights organizations in the nation, and Delta Sigma Theta Sorority, which is a preeminent civic engagement membership organization, and they are represented by counsel with significant

experience in Section 2 litigation in Mississippi, including in the DeSoto County area. *See, e.g., Miss. State Conf. of NAACP*, 739 F. Supp. 3d at 435–36 (finding Section 2 violation in DeSoto County area in case litigated by undersigned counsel on behalf of the Mississippi NAACP). Finally, the ultimate resolution of this case will almost certainly be after November 2026, and Ms. Meacham’s stated interest is limited to her investment of resources *this year*. The Proposed Intervenor’s are storied civil rights organizations whose interests in ensuring that Black voters have a fair and equal political opportunity will last far beyond the current election cycle.

In short, neither Defendants nor Ms. Meacham share the Proposed Intervenor’s specific interests in protecting the rights of Black voters in DeSoto County and, as elected officials or candidates, they may have different and competing interests as well. *See Sierra Club v. Espy*, 18 F.3d 1202, 1208 (5th Cir. 1994); *see also John Doe No. 1 v. Glickman*, 256 F.3d 371, 381 (5th Cir. 2001) (contrasting agency’s broad interest in representing the public against advocacy organization intervenor’s more narrow concerns). While one “cannot say for sure that the state’s more extensive interests will *in fact* result in inadequate representation, [] surely they might, which is all that the rule requires.” *Brumfield*, 749 F.3d at 346.

* * *

For these reasons, the Proposed Intervenor’s are entitled to intervention as of right under Rule 24(a).

II. ALTERNATIVELY, PROPOSED INTERVENORS SHOULD BE GRANTED PERMISSIVE INTERVENTION UNDER RULE 24(B).

Proposed Intervenor’s have satisfied the requirements of intervention as of right, but they also satisfy the requirements for permissive intervention. The Court may permit intervention by a proposed intervenor who files a timely motion and “has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B); *see United States ex*

rel Hernandez v. Team Fin., L.L.C., 80 F.4th 571, 577 (5th Cir. 2023) (“The claim or defense portion of Rule 24(b) is to be construed liberally.”) (cleaned up). Courts also consider whether permissive intervention “will unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b)(3). “In acting on a request for permissive intervention, it is proper to consider, among other things, whether the intervenors’ interests are adequately represented by other parties and whether they will significantly contribute to full development of the underlying factual issues in the suit.” *New Orleans Pub. Serv., Inc. v. United Gas Pipe Line Co.*, 732 F.2d 452, 472 (5th Cir. 1984) (en banc) (citation omitted).

Most of the relevant factors have been addressed above. First, this motion is timely, *see United States ex rel Hernandez*, 80 F.4th at 578 (explaining that the *Stallworth* factors also apply in the context of permissive intervention), and permitting intervention would not delay the litigation or prejudice the original parties. Additionally, Proposed Intervenors’ interests are not adequately represented by the original parties, and they bring unique voting rights expertise and local knowledge that will “significantly contribute to full development of the underlying factual issues in the suit.” *United Gas Pipe Line Co.*, 732 F.2d at 472 (citation omitted).

Further, Proposed Intervenors would raise many common questions of law and fact, including the constitutionality of H.B. 1544 and S.B. 2768 and the appropriate scope of any remedy enjoining the laws that Plaintiffs challenge. Resolution of these questions is central to both the original parties’ dispute and Proposed Intervenors’ claims.

Last, courts have regularly granted permissive intervention to advocacy and membership organizations in similar cases. *See, e.g., Donald J. Trump for President, Inc. v. Murphy*, No. 20-CV-10753, 2020 WL 6573382, at *2 (D.N.J. Sept. 23, 2020) (permitting intervention by civic groups, citing the organizations’ many “members across the state” and their efforts to “engage in

voter advocacy and education to increase voting participation in elections”); *Kobach v. U.S. Election Assistance Comm’n*, No. 13-CV-4095, 2013 WL 6511874, at *4–5 (D. Kan. Dec. 12, 2013) (granting permissive intervention to numerous nonprofit membership organizations with “interests in either increasing participation in the democratic process, or protecting voting rights, or both,” and noting that such groups’ “experience, views, and expertise . . . will help to clarify, rather than clutter the issues in the action”); *Florida v. United States*, 820 F. Supp. 2d 85, 86–87 (D.D.C. 2011) (“Several parties have been granted leave to intervene permissively as defendants, including . . . organizations that have a special interest in the administration of Florida’s election laws.”). Here, the perspective of a local civil rights organization and a civic engagement organization whose membership includes affected voters, as well as the participation of experienced voting rights counsel, will aid the Court in the fair and expeditious resolution of this matter. *E.g.*, *Nielsen v. DeSantis*, No. 4:20-CV-236-RH-MJF, 2020 WL 6589656, at *1 (N.D. Fla. May 28, 2020) (granting permissive intervention in voting case because “[t]hese proposed intervenors are not marginally affected individuals; they are substantial organizations with experienced attorneys who might well bring perspective that others miss or choose not to provide”).

Accordingly, the Court should grant Proposed Intervenors permissive intervention under Rule 24(b) in the event that the Court denies intervention as of right.

CONCLUSION

For the foregoing reasons, the Court should grant the Proposed Intervenors’ motion to intervene.

Respectfully submitted,

This the 16th day of July 2026

/s/ Joshua Tom

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CERTIFICATE OF SERVICE

I, Joshua Tom, hereby certify that on July 16, 2026, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all parties on file with the Court.

/s/ Joshua Tom

Joshua Tom