

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

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 4:05-cv-33 (TSL/LRA)
)	
)	
IKE BROWN, et al.,)	
)	
Defendants.)	

**IKE BROWN AND NOXUBEE COUNTY DEMOCRATIC
EXECUTIVE COMMITTEE’S MEMORANDUM OF CURATIVE REMEDY**

This Court entered a *Memorandum Opinion and Order* on June 29, 2007 in favor of the Plaintiff and directed the parties to submit a memorandum addressing what each felt to be a curative remedy in this case. Defendants Ike Brown and the Noxubee County Executive Committee, while open to any additional suggestions from the United States, have on their own taken the following actions which are designed to increase voter confidence in the election process and to address issues raised by Court in its *Opinion*, which they submit is curative of the issues in the June 29th *opinion*.

I. POLL ACTIVITY

a. Poll Worker Racial Composition

There should be no issues with respect to poll worker racial composition for the upcoming elections. The Noxubee County Circuit Clerk, Carl Mickens, conducted training for the Democratic Primary poll workers and stated that were 100 poll workers who attended the

training and of them, 55 were black and 45 of the workers were white. (*see Carl Mickens Affidavit attached hereto as Exhibit "A"*) Therefore, based on those numbers, 45% of the Democratic poll workers will be white, and when you combine the poll workers from the Republican Primary with the white poll workers from the Democratic Primary, the majority of the total poll workers will be white on election day.

b. Poll Manager Racial Composition

There are no issues with poll manager racial composition for the upcoming elections. Within the five voting districts in Noxubee County, only District One has a black senior poll manager. Districts Two and Three have white Senior Poll Managers and Districts four and five both have white and black senior poll co-managers. (*see Senior Poll Manager List attached hereto as Exhibit "B"*)

c. Assistance to Voters

The issue of assistance to voters was addressed at the poll worker training. Any voter requiring assistance has to inform the poll manager at the table upon arrival. The assister can be anyone the voter wants, except for an employer, an employer representative, or a representative of a union of which the voter is a member. No one will be allowed to loiter in the polling place and stand around "asking" voters if they need help. If the voter does not already have a designated assister when they enter the polls, they will be assisted by a poll worker or the poll manager. There was special training and emphasis of this process during primary poll worker training.

d. Challenges to Absentee Ballots

The issue of challenges to absentee ballots by the poll watchers was addressed at the poll worker training as well. Each candidate will be allowed to have one poll watcher per precinct

and they will be allowed to sit in a designated place determined by the poll manager. The poll watchers will not be allowed to greet voters in the polling place or to interfere with the poll workers. They will have to maintain a reasonable distance from the poll workers at all times. They will be allowed to review the voter rolls, the absentee ballot list on the wall, and to challenge absentee ballots when they are reviewed by the poll workers after the polls are closed, as long as they do not impede the progress of the absentee ballot counting.

The poll workers were instructed to call out the name, address, and precinct of each voter on the absentee ballots and allow each poll watcher to visually examine the signatures on the envelope and the application. If a challenge is made by a poll watcher, a candidate, or another poll worker, then the poll workers will vote on each specific challenge for a specific absentee ballot. The workers were instructed to follow the procedures from the Mississippi Poll Manager's Guide (2007) that was published and distributed by the Mississippi Secretary of State Office and that no one, including the Democratic Executive Committee or a candidate could instruct them to do otherwise. Again, special emphasis was put on this during training. (*Mickens affidavit*)

e. Challenges to Party Loyalty

There are no issues concerning party loyalty. There have not been any lists of people published that question their party loyalty or infer any challenges to them when they come to vote. There is a good faith belief that there will not be any challenges to anyone on party loyalty.

II. ABSENTEE BALLOT SOLICITATION

As of July 24, 2007, the Noxubee County Circuit Court issued out 672 total absentee ballots, of those 286 were filled out in the circuit clerk's office and 386 were mailed to voters. (*see July 24, 2007 Noxubee County Absentee Ballot Count attached hereto as Exhibit "C"*) Circuit Clerk

Mickens predicts that there will be another 200 absentee ballots issued before the Democratic Primary Election. (*Mickens Affidavit*)

Ike Brown has voluntarily elected to refrain from participating in the absentee ballots process during this election cycle. He has not requested any absentee ballots on behalf of voters, recruited notaries to provide absentee ballot assistance, hired any notaries to do absentee ballot work, monitored the absentee ballot rolls, gone to the polls, or given any appearance of participating in the absentee ballot process. All of the past notary commissions paid for by Ike Brown have expired and he has not paid for any additional notary commissions.

III. **PRE-ELECTION CHALLENGES**

There has been none and no one has made any claims that there are candidates qualified to run in districts in which they do not reside or are otherwise unqualified to be placed on the ballot.

IV. **RACIAL APPEALS**

None of the defendants has made any racial statements in the media or made any remarks at all, except for Defendant Ike Brown commenting on Judge Pepper's decision to adopt party registration.

CONCLUSION

The Defendants Ike Brown and the Noxubee County Executive Committee suggest that the Court have the parties, on or before August 1, 2007, report to the Court on any matters they believe present a violation of the Court's June 29, 2007 Order that would affect the validity and fairness of the August 7, 2007 primary. They also suggest that counsel for parties jointly report within fifteen (15) days of the primary on any issues of improper voter assistance, improper counting of absentee ballots, inequitable treatment of voters or candidates that may violate the Voting Rights Act of 1965.

Voluntarily, the Defendants have taken steps to promote confidence in the election process.

Respectfully submitted this 25th day of July, 2007.

IKE BROWN and the NOXUBEE
COUNTY DEMOCRATIC EXECUTIVE
COMMITTEE

BY: /s/ WILBUR O. COLOM
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CERTIFICATE OF SERVICE

I, Edward L. Pleasants, III, hereby certify that on July 25, 2007, I electronically filed the foregoing *Ike Brown and Noxubee County Democratic Executive Committee's Memorandum of Curative Remedy* with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

/s/ Edward L. Pleasants, III
Edward L. Pleasants, III