

* Amended (See School Board Race)

**Official Recapitulation
General Election**

The County Election Commission will prepare three (3) Official Recapitulation Sheets containing the vote of the entire county by precinct. They will forward one copy to Delbert Hosemann, Secretary of State, 401 MISSISSIPPI ST. JACKSON MS 39201, file one copy with the Circuit Clerk of the County and keep the third copy for their records.

Votes cast in the County of Holmes, Mississippi on
the 6th day of November 2012

We, the undersigned Election Commission, hereby certify that the foregoing is a true and complete recapitulation and statement of the results of a General Election held on the 6th day of November 2012, in the County of Holmes, Mississippi, and that the foregoing correctly shows the votes cast for each person and for the office set opposite the respective names at said election.

In testimony whereof, witness our hands this 9th day of November 2012.

The County of Holmes, Mississippi.

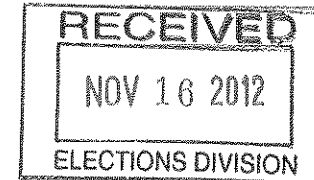
Edna F. Patton
District 1 - Election Commissioner

Joretta Tidwell
District 2 - Election Commissioner

Walter Redmond
District 3 - Election Commissioner

Mark D. Dillard
District 4 - Election Commissioner

Katie Korta
District 5 - Election Commissioner



**CARLINE WRIGHT-HART
CIRCUIT CLERK
HOLMES COUNTY
P. O. BOX 718
LEXINGTON, MS 39095**

Official Recapitulation General/Special Election		The County Election Commission will prepare three (3) Official Recapitulation Sheets containing the vote of the entire county by precinct. They will forward one copy to Delbert Hosemann, Secretary of State, 401 MISSISSIPPI ST. JACKSON MS 39201, file one copy with the Circuit Clerk of the County and keep the third copy for their records.										
Votes cast in the County of Holmes, Mississippi on the 6th day of November 2012		Names of Election Precincts										
		Beat 3 Coxburg (A-Z)	Beat 5 Tchula	Beat 4 Walden Chapel (A-Z)	Beat 2 Durant	Beat 5 Lexington (A-Z)	Beat 1 Lexington	Beat 5 Cruger (A-Z)	Beat 2 Sub Durant	Beat 4 Thornton (A-Z)	Beat 3 Ebenezer (A-Z)	Beat 3 Goodman
United States-President												
Barack Obama for President and Joe Biden for Vice President	Democrat	55	1240	200	399	217	1019	209	434	302	238	558
Mitt Romney for President and Paul Ryan for Vice President	Republican	120	94	10	178	192	100	65	64	30	75	67
Virgil Goode for President and Jim Clymer for Vice President	Constitution	0	0	1	1	0	1	0	0	0	0	3
Gary Johnson for President and James P. Gray for Vice President	Libertarian	0	0	1	0	1	2	0	0	0	1	4
Jill Stein for President and Cheri Honkala for Vice President	Green	0	0	1	0	0	0	0	3	0	0	0
Barbara Dale Washer for President and Cathy L. Toole for Vice President	Reform	0	1	0	2	1	0	0	0	0	1	0
United States-Senate												
Albert N. Gore, Jr.	Democrat	46	990	166	348	188	824	169	371	269	181	424
Roger F. Wicker	Republican	126	147	19	193	198	136	72	74	36	87	91
Thomas Cramer	Constitution	1	19	4	5	6	17	2	14	4	6	12
Shawn O'Hara	Reform	0	15	2	6	3	12	3	4	6	3	15
US House Of Rep 02-2nd Congressional District												
Bill Marcy	Republican	101	88	10	149	182	98	64	54	29	65	69
Bennie G. Thompson	Democrat	58	1134	189	399	210	961	196	407	292	231	498
Cobby Mundale Williams	Independent	2	16	2	7	7	7	3	7	1	4	8
Lajena Williams	Reform	3	2	1	1	5	4	0	4	0	1	7
Court Of Appeals 02-District 2 Position 2												
Ceola James	Non Partisan	78	550	107	277	174	414	118	266	185	173	307
Ernest EJ- Russell	Non Partisan	44	488	66	177	162	366	104	127	115	82	189

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Votes cast in the County of Holmes, Mississippi on the 6th day of November 2012		Names of Electing Precincts										
		1 Acona	Beat 3 Pickens	2 Lexington Sandhill	Beat 2 West	Beat 4 Lexington	1 Durant St Anderson	TOTAL				
United States-President												
Barack Obama for President and Joe Biden for Vice President	Democrat	513	690	0	338	1139	261	7812				
Mitt Romney for President and Paul Ryan for Vice President	Republican	34	103	0	128	147	28	1435				
Virgil Goode for President and Jim Clymer for Vice President	Constitution	0	2	0	2	1	0	11				
Gary Johnson for President and James H. Gray for Vice President	Libertarian	2	1	0	2	2	1	17				
Jill Stein for President and Cheri Honkala for Vice President	Green	0	2	0	0	0	0	6				
Barbara Dale Washer for President and Emily L. Toole for Vice President	Reform	0	0	0	0	2	0	7				
United States-Senate												
Albert N. Gore, Jr.	Democrat	433	529	0	291	942	218	6389				
Roger F. Wicker	Republican	51	139	0	143	189	30	1731				
Thomas Cramer	Constitution	8	13	0	5	22	5	143				
Shawn O'Hara	Reform	3	17	0	3	17	6	115				
US House Of Rep 02-2nd Congressional District												
Bill Marcy	Republican	36	94	0	101	140	22	1302				
Bennie G. Thompson	Democrat	474	647	0	327	1086	255	7364				
Cobby Mondale Williams	Independent	7	11	0	8	9	2	101				
Lajena Williams	Reform	2	4	0	3	8	1	46				
Court Of Appeals 02-District 2 Position 2												
Ceola James	Non Partisan	191	366	0	139	540	144	4029				
Ernea (E)- Russell	Non Partisan	216	263	0	192	449	84	3124				

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		Beat 3 Coxburg (A-Z)	Beat 5 Tchula	Beat 4 Walden Chapel (A-Z)	Beat 2 Durant	Beat 5 Lexington (A-Z)	Beat 1 Lexington	Beat 5 Cruger (A-Z)	Beat 2 Sub Durant	Beat 4 Thornton (A-Z)	Beat 3 Ebenezer (A-Z)	Beat 3 Goodman
Central District-Supreme Court District 1 (Central) Position 1												
Earle S. Banks	Non Partisan	35	850	135	271	147	711	140	276	211	144	342
William L. (Bill) Waller, Jr.	Non Partisan	130	224	45	246	238	219	90	167	84	125	159
Central District-Supreme Court District 1 (Central) Position 2												
Leslie D. King	Non Partisan	113	763	135	410	308	681	188	341	254	206	389
YAZOO-DELTA LEVEE-Yazoo Delta Levee District												
ALBERTA JEFFERSON	Democrat	X	989	X	X	X	X	229	X	X	X	X
Election Commissioner 1-Election Commissioner District 1												
HELEN FREEMAN	Democrat	X	X	X	X	X	166	X	X	X	X	X
ELNORA JOHNSON PATTON	Democrat	X	X	X	X	X	890	X	X	X	X	X
Election Commissioner 2-Election Commissioner District 2												
LORETTA TIDWELL	Democrat	X	X	X	498	X	X	X	423	X	X	X
Election Commissioner 3-Election Commissioner District 3												
WILBUR B. REDMOND	Democrat	103	X	X	X	X	X	X	X	X	218	200
HENRY L. SIMPSON	Democrat	42	X	X	X	X	X	X	X	X	85	361
Election Commissioner 4-Election Commissioner District 4												
DEMETRICA "TINA" JOHNSON	Democrat	X	X	125	X	X	X	X	X	204	X	X
WALTER EARL PITCHFORD	Democrat	X	X	71	X	X	X	X	X	116	X	X
Election Commissioner 5-Election Commissioner District 5												
ANNIE "ANN" POLK	Democrat	X	160	X	X	156	X	767	X	X	X	X

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		1 Acona	Beat 3 Pickens	2 Lexington Sandhill	Beat 2 West	Beat 4 Lexington	1 Durant St Anderson	TOTAL				
Central District-Supreme Court District 1 (Central) Position 1												
Earle S. Banks	Non Partisan	349	516	0	214	669	174	5184				
William L. (Bill) Waller, Jr.	Non Partisan	100	172	0	192	442	82	2715				
Central District-Supreme Court District 1 (Central) Position 2												
Leslie D. King	Non Partisan	354	486	0	294	836	200	5958				
YAZOO-DELTA LEVEE-Yazoo Delta Levee District												
ALBERTA JEFFERSON	Democrat	X	X	X	X	X	X	1218				
Election Commissioner 1-Election Commissioner District 1												
HELEN FREEMAN	Democrat	271	X	X	X	X	72	509				
ELNORA JOHNSON PATTON	Democrat	245	X	X	X	X	190	1325				
Election Commissioner 2-Election Commissioner District 2												
LORETTA TIDWELL	Democrat	X	X	0	379	X	X	1300				
Election Commissioner 3-Election Commissioner District 3												
WILBUR B. REDMOND	Democrat	X	224	X	X	X	X	745				
HENRY L. SIMPSON	Democrat	X	533	X	X	X	X	1021				
Election Commissioner 4-Election Commissioner District 4												
DEMETRICA "TINA" JOHNSON	Democrat	X	X	X	X	587	X	916				
WALTER EARL PITCHFORD	Democrat	X	X	X	X	628	X	815				
Election Commissioner 5-Election Commissioner District 5												
ANNIE "ANN" POLK	Democrat	X	X	X	X	X	X	1083				

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SHERRI LYNN REEVES	Democrat	X	86	X	X	146	X	45	X	X	X	X
McKINLEY YOLING	Democrat	X	390	X	X	82	X	37	X	X	X	X
School Board C-SCHOOL BOARD C												
WILLIAM EDWARDS	Independent	X	X	30	4	X	X	X	16	X	X	99
SANDRA YOUNG	Independent	X	X	121	6	X	X	X	43	X	X	421
School Board D-SCHOOL BOARD D												
KAHLIL JOHNSON	Independent	77	X	18	X	X	4	X	X	141	156	X
LORENZO WESLEY, SR.	Independent	52	X	6	X	X	1	X	X	162	87	X
School Board A-School Board District A												
ANTHONY "TONY" ANDERSON	Independent	X	X	X	X	137	281	X	X	X	X	X
DOROTHY RANDLE	Independent	X	X	X	X	139	148	X	X	X	X	X
WAUNITA M. ROBERTS	Independent	X	X	X	X	89	85	X	X	X	X	X

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Votes cast in the County of Holmes, Mississippi on the 6th day of November 2012		Names of Election Precincts									
		1 Acona	Beat 3 Pickens	2 Lexington Sandhill	Beat 2 West	Beat 4 Lexington	1 Durant St Anderson	TOTAL			
SHERRI LYNN REEVES	Democrat	X	X	X	X	X	X	277	VOID Court Order		
MCKINLEY YOUNG	Democrat	X	X	X	X	X	X	509			
School Board C-SCHOOL BOARD C											
WILLIAM EDWARDS	Independent	X	289	X	X	X	X	485	VOID Court Order		
SANDRA YOUNG	Independent	X	356	X	X	X	X	947			
School Board D-SCHOOL BOARD D											
KAHILIL JOHNSON	Independent	X	X	X	X	302	X	698	VOID Court Order		
LORENZO WESLEY, SR.	Independent	X	X	X	X	114	X	422			
School Board A-School Board District A											
ANTHONY "TONY" ANDERSON	Independent	228	X	0	X	98	0	744	VOID Court Order		
DOROTHY RANDLE	Independent	238	X	0	X	92	0	627			
WAUNITA M. ROBERTS	Independent	36	X	0	X	51	0	261			

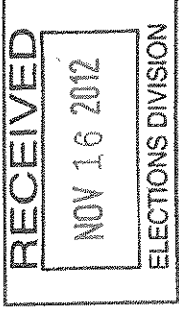
IN THE CIRCUIT COURT OF HOLMES COUNTY, MISSISSIPPI

SYLVESTER JAMES, ROY POWELL,
WILLIAM EDWARDS, LEROY JOHNSON.
and JANICE MARIE HARPER,

Plaintiffs,

vs.

No. 2012-0338



HOLMES COUNTY BOARD OF EDUCATION, by and through
its Chairperson, Helen Johnson; HOLMES COUNTY ELECTION
COMMISSION, by and through its Chairperson, Walter Earl Pitchford;
EARLINE WRIGHT-HART, HOLMES COUNTY CIRCUIT CLERK.

Defendants.

ORDER

In light of the considerations set forth in the Plaintiffs' Motion for a Preliminary Injunction, and in light of the opinion letter from the Attorney General of Mississippi dated October 17, 2012, *And the Resolution of the Holmes County Board of Education*, it is hereby ORDERED that the November 6, 2012 election for Holmes County Board of Education is ENJOINED. Defendants Holmes County Election Commission and Holmes County Circuit Clerk Earline Wright-Hart are ORDERED not to count any votes cast for Holmes County Board of Education during the November 6, 2012 election and not to certify any election results for Holmes County Board of Education from the November 6, 2012 election.

The November 6, 2012 election is being postponed because it was scheduled to be held under the outdated lines that were adopted in 2003. However, the election should be held under the most recent lines, which were adopted earlier this year.

Thus, a special election for the Holmes County Board of Education from the 2012 district lines will be ordered after the parties consult and report to the Court regarding an appropriate

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A.M. or P.M. 11:30

ENTERED

Minu. Bk. & L. 33.4 Pg. 166
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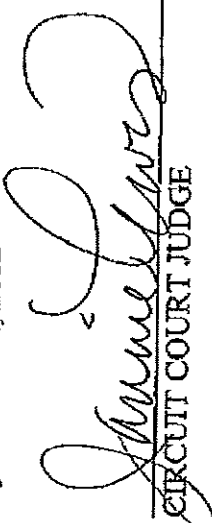
OCT 31 2012

schedule for such an election. The parties are ORDERED to report to the Court no later than November 15, 2012 regarding a proposed schedule for the election, including a proposed election date and a proposed candidate qualification deadline. At some point after the parties report, a date will be set for the election and for candidates to qualify.

The Circuit Clerk is hereby ORDERED to give notice to the candidates that the November 6 election for the Board of Education has been enjoined, that a special election will be held from the 2012 lines at a future date, and that the qualifying deadline and the date of the election will be announced in the near future.

The Holmes County Board of Education is hereby ORDERED to publish a notice in the newspaper of general circulation in Holmes County that the November 6 Board of Education election has been postponed by the Court because the election must be held under the new 2012 lines rather than the outdated 2003 lines, that the election will be held at a future date under the 2012 lines, that the qualifying deadline and the date of the election will be announced in the near future, and that elections for all other offices on the ballot will go forward on November 6, 2012. The Board of Education must also post this notice in the School District headquarters, at all schools in the District, and in the Circuit Clerk's office.

SO ORDERED this 31 day of October, 2012


CIRCUIT COURT JUDGE

Submitted by:

Robert B. McDuff
Counsel for Plaintiffs

FILED
A.M. or P.M. 11:30

OCT 31 2012

HARLINE WRIGHT-HART, CIRCUIT CLERK

ENTERED

Minu. Bk. 403 Pg. 1661

Doc. Bk. Pg.

RESOLUTION OF THE HOLMES COUNTY BOARD OF EDUCATION TO VOID AND NOT CERTIFY ELECTION OF SCHOOL BOARD MEMBERS ON NOVEMBER 6, 2012, UNDER THE OLD DISTRICTING PLAN AND DECLARING ITS INTENT TO CALL FOR A SPECIAL ELECTION OF SCHOOL BOARD MEMBERS UNDER THE NEW REDISTRICTING PLAN PRECLEARED BY THE UNITED STATES DEPARTMENT OF JUSTICE

WHEREAS, the Board of Education of the Holmes County School District (the "Board"), acting for and on behalf of the Holmes County School District (the "District") does hereby find, determine, adjudicate, and declare:

1. Pursuant to the authority of Miss. Code Ann. § 37-5-1, the Board of the District reapportioned the District into five single-member board of education districts based upon 2010 census data. On January 3, 2012, the Board voted to adopt a new redistricting plan (the "New Plan"), which remedied any existing unconstitutional malapportionment.
2. On January 17, 2012, the Board of the District adopted a resolution which contained a description of the new board districts and a map of the New Plan, repealed prior districting plans, and directed the Superintendent to spread the resolution and all attachments upon the Minutes of the Board and to publish the resolution in a newspaper of general circulation in Holmes County as required by state statute.
3. On May 8, 2012, the New Plan was received for preclearance under Section 5 of the Voting Rights Act by the United States Department of Justice. The District published public notice of the submission in the *Holmes County Herald* on May 10, 2012. By letter of June 26, 2012, the Department of Justice precleared the New Plan. A copy of this preclearance letter is attached as Exhibit "A" to this Resolution.
4. The descriptions of the board of education districts under the New Plan was not, as required by state law, published in a newspaper of general circulation in the county. Also, the District did not deliver the New Plan to the Circuit Clerk of Holmes County until after the deadline for candidates to file petitions to qualify to run for school board seats in the election scheduled for November 6, 2012. As a result, the New Plan was not used for candidate qualification and the election scheduled for November 6, 2012 will use the old districting plan that has been repealed by this Board.
5. Realizing these deficiencies, by letter of September 26, 2012, the District's counsel sought an expedited opinion of the Attorney General of Mississippi as to whether the election on November 6, 2012 should go forward and, if not, what action the District must take with respect to such school board elections.
6. By letter of October 7, 2012, the Attorney General of Mississippi issued his Opinion that the New Plan became effective upon approval or preclearance by the

U.S. Department of Justice and that November 6, 2012 elections should be conducted under the New Plan. The letter is attached as Exhibit "B" to this Resolution.

7. The Board is informed that that there is not sufficient time for the Circuit Clerk and the Elections Commission of Holmes County to prepare for school board elections pursuant to the New Plan on such a short time frame.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of Holmes County as follows:

1. The Board does hereby find, determine, and adjudicate that the foregoing premises are true and correct.

2. In response to the Attorney General's Opinion of October 7, 2012, which the District sought on September 26, 2012, the Board hereby requests the Circuit Clerk of Holmes County and the Election Commission of Holmes County to cancel, void, and not certify any school board elections on November 6, 2012, specially as to board of education seats "A," "C," and "D," under the old districting plan and, instead, to plan for a special election of school board member seats "A," "C," and "D" under the New Plan, with candidates to qualify for such special election under the New Plan, after publication of a description of the board districts as required by state law. As directed by the Attorney General's opinion, if candidates have already qualified under the old plan districts, they may need to file supplemental petitions if the New Plan places signees of the respective petitions in a board district different from that of a candidate.

3. The Board directs the Superintendent to immediately provide a copy of this Resolution to the Circuit Clerk of Holmes County and the Election Commission of Holmes County.

Board Member Sandra Young offered and moved the adoption of the Resolution, which was duly seconded by Board Member Rayford Horton. The motion then being put to a vote, the results were as follows:

Board Member Francine Jefferson Voted: Yea

Board Member Sandra Young Voted: Yea

Board Member Helen Johnson Voted: Yea

Board Member Rayford Horton Voted: Yea

ENTERED

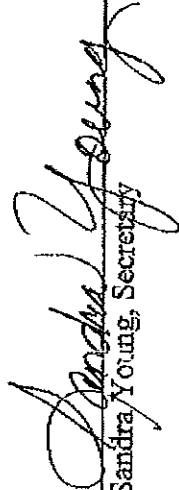
Minu. Bk. 163 Pg. 663
Dock Bk. Pg.
Judg. Bk. Pg.

Having received a majority of the affirmative votes of the Board, the Resolution passed on October 30, 2012.

HOLMES COUNTY BOARD OF EDUCATION


Helen Johnson, President

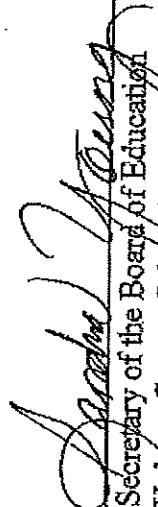
ATTEST:


Sandra Young, Secretary

CERTIFICATE

I, the undersigned Sandra Young, Secretary of the Board of Education of the Holmes County school district, do hereby certify that the above and foregoing Resolution is a true and correct copy of that certain Resolution of the Board of Education of the Holmes County School District, approved on October 30, 2012.

Witness my hand this the 30th day of October, 2012.


Secretary of the Board of Education
Holmes County School District

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11/15 1:13 PM

OCT 31 2012

EARLINE WRIGHT-PART, CLERK

BY _____ BC

ENTERED

Minu. Bk. 103 Pg. 664

Dock. Bk. _____ Pg. _____
H.J.L. cl.



U.S. Department of Justice
Civil Rights Division

TCHRSB-RPL:EEK.maf
DJ 166-012-3
2012-2878

Voting Section - NYB
930 Pennsylvania Avenue, NW
Washington, DC 20530

June 26, 2012

Jerry Wilson, Esq.
P.O. Box 971
Redan, Georgia 30074

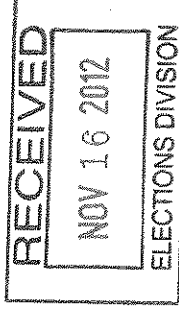
Dear Mr. Wilson:

This refers to the 2012 redistricting plan for the Holmes County School District in Holmes County, Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on May 8, 2012.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41.

Sincerely,

T. Christian Herren, Jr.
Chief, Voting Section



ENTERED

Minu. Bk. 103 Pg. 665
Dock. Bk. Pg.
Judg. Bk. Pg.

EXHIBIT

A

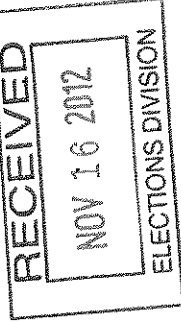
STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

October 17, 2012



James A. Keith, Esquire
Attorney for Holmes County School District
1018 Highland Colony Parkway, Suite 800
Ridgeland, Mississippi 39157

Re: *School Board Elections*

Dear Mr. Keith:

Attorney General Jim Hood received your letter of request and assigned it to me for research and reply.

Issue Presented

You state that the Holmes County School District (the District) submitted its redistricting plan on May 8, 2012 to the U.S. Department of Justice (the DOJ) and received a letter of preclearance on June 26, 2012. However, the approved plan was not delivered to the Circuit Clerk until after the deadline for candidates to file petitions to run for positions on the school board. You further state that the old lines were used by individuals who qualified to run for positions on the school board. You ask if the upcoming election should go forward using the prior district lines and if not, should the District attempt to have the election under the new redistricting plan. You further ask if the answer to the first two questions is no, what should the District do to insure that it has a full slate of board members elected and in office by January 1, 2013.

Response

The most recent changes to a statute become effective upon approval by the U.S. Department of Justice (DOJ). *MS AG Op.*, Dillon (August 1, 2003); *MS AG Op.*, Reynolds (January 27, 2012). Therefore, the upcoming election should be conducted under the recently approved redistricting plan.

We understand the difficulty on the part of the Circuit Clerk and Election Commission in preparing for the election on such a short time frame as a result of the apparent delay in

ENTERED

Minu. Bk. 103 Pg. 666

550 HIGH STREET - POST OFFICE BOX 220 - JACKSON, MISSISSIPPI 39205-0220
TELEPHONE (601) 359-3680 - FACSIMILE (601) 359-4725

EXHIBIT

12

James A. Keith, Esquire
October 17, 2012
Page -2-

the delivery of newly approved plan to the Circuit Clerk. We have previously opined that, in order to make adequate preparation, it is necessary that DOJ preclearance be received in sufficient time prior to election day so that absentee and election day ballots can be printed, so that voters can be assigned to the appropriate poll books in order that they receive valid absentee and election day ballots. *MS AG Op. Wiggins* (May 6, 2005). However, an election conducted utilizing the prior district lines that are no longer in effect would be subject to challenge. Finally, once sufficient time to implement the new lines has transpired, all elections, including special elections to fill vacancies, must be held under the newly precleared lines.

In regard to the candidates who may have qualified in a district in which, because of the effectuation of the new plan, they no longer reside, an administrative change may be made to reflect the change and place them in the district of their residence. Further, a candidate may be required to file a supplemental petition if the result of redistricting is to place some of the signees of his petition in a district different from that of the candidate. *MS AG Op., McMullin* (April 18, 2003); *MS AG Op., Ezell* (January 16, 1991).

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:



Phil Carter

Special Assistant Attorney General

ENTERED

Minu. Bk. 643 Pg. 667
Dock. Bk. Pg.
Judg. Bk. Pg.