

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

JENIFER BRANNING

PLAINTIFF

v.

CIVIL ACTION NO. 24-816

HINDS COUNTY ELECTION COMMISSION

DEFENDANT

PETITION FOR MANDAMUS AND/OR PRELIMINARY INJUNCTION

Comes now Plaintiff, Jenifer Branning, pursuant to Miss. Code Ann. § 11-14-1, seeking an order of mandamus from this Court, commanding the Defendant, the Hinds County Election Commission, to obey and perform the requirements of state law, and in support thereof would show the Court the following:

Plaintiff is a duly qualified candidate for Supreme Court Justice, District 1 (Central), Position 3. Defendant is the Hinds County Election Commission, which is the public body responsible for conducting general elections in Hinds County.

On November 5, 2024, a general election was held in Hinds County. Plaintiff was one of five candidates whose name was on the general election ballot in Hinds County for the above-referenced Mississippi Supreme Court position. Unofficial results from the election show that Plaintiff received the highest number of votes with approximately 42% of the votes cast and Jim Kitchens received the second highest votes with approximately 36% of the votes cast. Because no candidate received a majority of the votes cast in the race, pursuant to Miss. Code Ann. § 23-15-981, a runoff election on November 26, 2024, between Plaintiff and Kitchens will be necessary.

Pursuant to Miss. Code Ann. §§ 23-15-601 and 23-15-603, within ten days after a general election, county election commissions must transmit to the Secretary of State their counties' general election returns, including their certified recap sheets and the total number of votes cast in

the county for each candidate. That certification and transmittal deadline for the November 5, 2024 general election falls on November 15, 2024.

Under information and belief, the Hinds County Election Commission is poised to violate §§ 23-15-601 and 23-15-603 by not transmitting their certified election results to the Secretary of State by November 15, 2024. *See Exhibit A.*

Pursuant to Miss. Code Ann. § 21-15-653, absentee voting for the November 26, 2024 runoff election will begin on November 16, 2024. The Secretary of State, however, will not authorize and publish an official runoff election ballot for voters to cast until all election commissions have certified and transmitted the results showing, officially, that a runoff election is required. *See* Miss. Code Ann. §§ 23-15-981, 23-15-601, 23-15-607. This means that if Defendant does not fulfill its statutory obligation to certify and transmit the general election results by November 15, 2024, there will be no official runoff ballots available for voters to cast when absentee voting begins on November 16, 2024. And this will be true not only for Hinds County voters, but also for voters in all 22 counties that compose the Central District, no matter whether they intend to vote for Plaintiff or Kitchens.

Plaintiff would suffer significant harm by Defendant's failure to comply with its statutory obligations to certify and transmit to the Secretary of State the general election results by November 15, 2024. The runoff election is scheduled to occur on Tuesday of Thanksgiving week. Given this, many voters, including supporters of Plaintiff, will seek to vote via absentee ballot starting November 16, 2024. If absentee ballots for runoff election are not available starting November 16, 2024, these voters may not be able to cast their ballots. Furthermore, Plaintiff has expended significant campaign resources informing voters that they are legally entitled to begin voting in the runoff election by absentee ballot on November 16, 2024.

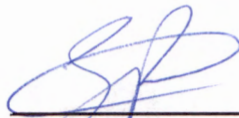
More fundamentally, Defendant not fulfilling its statutory obligations runs the risk of disenfranchising voters in 22 Mississippi counties.

Time is of the essence in election proceedings. Statutory deadlines are imposed on all participants to facilitate the extensive coordination required to conduct elections. An immediate order of this court is needed to eliminate the risk of delay and prejudice to many participants in this electoral process.

Wherefore, premises considered, this Court should issue an order commanding the Defendant to fulfill its obligations under Miss. Code Ann. §§ 23-15-601 and 23-15-603 to certify and transmit to the Secretary of State by November 15 2024, the results from the November 5, 2024 general election in Hinds County. In addition, or in the alternative, the Court should issue a preliminary injunction requiring Defendant to do the same.

Notice has been given to Tony Gaylor, counsel for the Defendant, of this petition, and a copy of the filed petition is being transmitted to him by email.

Respectfully submitted,



Spencer M. Ritchie (MSB # 103636)
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Counsel for Plaintiff Jenifer Branning

AFFIDAVIT OF SPENCER M. RITCHIE

I, Spencer M. Ritchie, state as follows:

1. I am over twenty-one (21) years of age, am of sound mind, and have personal knowledge of the following facts.
2. As of 8:00AM, November 15, 2024, the Hinds County Election Commission had not transmitted to the Mississippi Secretary of State the certified results of the November 5, 2024 general election in Hinds County.
3. On November 14, 2024, the Hinds County Circuit Clerk told me he did not believe the Hinds County Election Commission was prepared to certify the general election results by the statutory deadline, November 15, 2024.
4. The Mississippi Secretary of State's office told me they have received no indication that the Hinds County Election Commission was prepared to certify the general election results by the statutory deadline, and that their attempts to get assurance from the Commission that it would certify the election by the deadline have been unsuccessful.
5. I personally have contacted the Commission to determine whether they will meet the statutory deadline for certifying the general elections results but have received no response.

Executed on November 15, 2024.

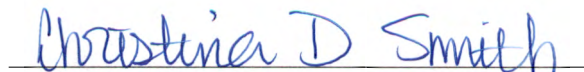


Spencer M. Ritchie

THE STATE OF MISSISSIPPI

COUNTY OF Hinds

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Spencer Ritchie, who after having been duly sworn, states upon oath that the matters and facts set forth above are true and correct to the best of his knowledge and belief.



Christina D. Smith

Notary Public

★ STATE OF MISSISSIPPI ★
CHRISTINA D. SMITH, NOTARY PUBLIC
SIMPSON COUNTY
MY COMMISSION EXPIRES MARCH 4, 2028
COMMISSION NUMBER 101541

My Commission Expires: March 4, 2028