## IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

## , PLAINTIFF/PETITIONER

VS.

**CIVIL ACTION NO.** 

REPUBLICAN/DEMOCRATIC
MUNICIPAL EXECUTIVE
COMMITTEE FOR THE CITY OF
MISSISSIPPI, , CHAIRPERSON,
DEFENDANT/RESPONDENT

## **JUDGMENT**

Came on this day, , this cause on Petition For Judicial Review of Primary Election City Alderman, District 2, the Honorable presiding by special appointment of the Mississippi State Supreme Court Chief Justice as required by statute and the court having heard the case for the Plaintiff all motions submitted and having heard oral arguments by counsel for the Plaintiff and Defendant and after considering a motion for a directed verdict presented by the Defendant finds that such motion for Directed Verdict is well taken and should be and is hereby sustained and is based on the findings herein stated.

I.

That , the winning candidate in the election was a necessary party to the lawsuit and he/she should have been named in the suit herein filed.

II.

That although statements were made by some of the witnesses for the plaintiff with reference to now voter registration cards and that some of the voters did not, in the opinion of the writer, remember how they had signed their name when registering to vote and that some of the voters appeared to mispronounce or misspell this name and that the poll manager made no effort to look into the matter and that the poll manager improperly opened an affidavit ballot the Court finds that these matters fall short in reaching the degree of proof necessary to require a new election and therefore would find that these grounds are not well taken.

III.

The allegation is the complaint that the executive committee chairperson voted in District 2 although he/she is not a resident of the said district is without merit because the evidence shows and court finds that the said ballot of was not counted in the final totals.

The allegation that additional copies of ballots were run off on the copying machine at the voting precinct, some of which were made by the Plaintiffs poll watcher, and which ballots not used, were discarded and in the absence of a showing that illegal votes had been cast which the court found was the case is not a valid contention to the degree that would give rise to a new election being required.

V.

In the final analysis the court finds that the allegations stated is insufficient to have made a difference in the outcome of the election.

IT IS THEREFORE ORDERED and adjudged the motion for a directed for the Defendant should be and is hereby sustained for the reasons set forth above and the costs of court are assessed to the Plaintiff with no attorney fees for any party assessed by the court.

ORDERED, AND ADJUDGED TH	IIS THE day of	, .		
	SPECIALLY JUDGE	APPOINTED	CIRCUIT	COURT
PREPARED AND SUBMITTED BY				
, ATTORNEY FOR DEFENDANT				
, ATTORNEY FOR				
, ATTORNEY FOR PLAINTIFF				

, ATTORNEY FOR CITY OF