

IN THE CIRCUIT COURT OF LEFLORE COUNTY, MISSISSIPPI

DEBRA TATE HIBBLER

PETITIONER

VS.

CIVIL ACTION NO.: 2023-0071-CICI

JOHNNY LEE GARY, JR.

RESPONDENT

**VERIFIED PETITION FOR JUDICIAL REVIEW OF THE DEMOCRATIC PRIMARY
ELECTION FOR CHANCERY CLERK OF LEFLORE COUNTY, MISSISSIPPI**

COMES NOW, Petitioner Debra Tate Hibbler, with counsel, and files this Verified Petition for Judicial Review of the Democratic Primary Election for Chancery Clerk of Leflore County, Mississippi, stating unto the Court as follows:

I. PRELIMINARY STATEMENT

1. Petitioner Debra Tate Hibbler is an adult resident citizen of Leflore County, Mississippi, who, on August 8, 2023, participated in the Democratic Primary Election as a duly qualified candidate for the Democratic nomination for Chancery Clerk of Leflore County, Mississippi.
2. Respondent Johnny Lee Gary, Jr. is an adult resident citizen of Leflore County, Mississippi, who, on or about August 17, 2023, was certified as the winner of the Democratic Primary Election for Chancery Clerk of Leflore County, Mississippi (“the primary”).
3. The Official Recapitulation certified by the Leflore County Democratic Executive Committee (“LCDEC”) and filed with the Mississippi Secretary of State reflects that Johnny Lee Gary, Jr. became the Democratic Nominee for Chancery Clerk with 2,239 votes as compared to 2,224 votes for Debra Tate Hibbler, a margin of only 15 votes.
4. Pursuant to Miss. Code § 23-15-927, and for the reasons set forth herein and in the underlying *Petition to Contest the Election of Johnny Lee Gary, Jr. as the Democratic Nominee for Chancery Clerk of Leflore County, Mississippi* (“the underlying petition”), Debra Tate Hibbler contests the results of the primary. See Verified Petition attached as Ex. A.

II. PROCEDURAL HISTORY

5. The final absentee ballot count was completed on Wednesday, August 16, 2023. The Official Recapitulation was certified by three LCDEC officers and filed with the Mississippi Secretary of State on Thursday, August 17, 2023.
6. Petitioner retained counsel and served three-days' notice of her intent to inspect the ballot boxes on Tuesday, August 22, 2023. She conducted her ballot box examinations the following Friday and Monday. Johnny Lee Gary, Jr. and/or his representative, and the Circuit Clerk and/or a Deputy Clerk were among those present each day for the ballot box examinations.
7. The ballot boxes from each of the 18 individual polling precincts could not be inspected in the limited time available to Petitioner; however, an examination of six precinct boxes and three additional absentee ballot boxes were completed in the time allowed.
8. The precinct boxes were for Southeast Greenwood, Southwest Greenwood, Rising Sun, North Itta Bena, South Itta Bena, and Sidon. The absentee ballot boxes were those containing ballots "rejected" by the Resolution Board on August 8, 2023, "accepted" by the Resolution Board on August 8, 2023, and "accepted" by the Resolution Board on August 16, 2023. A ballot box containing ballots "rejected" on August 16, 2023, was not located.
9. On Monday, August 28, 2023, after completing as many ballot box examinations as time would allow, Petitioner served the underlying petition on LCDEC Chairman Robert Sims. Mr. Sims immediately reported to the Greenwood Commonwealth that LCDEC would take no action, and mailed a letter to that effect to Petitioner's counsel on Wednesday, August 30, 2023. See LCDEC Letter attached as Ex. B.
10. Due to LCDEC's refusal to assemble and investigate any of the challenges raised in the underlying petition, Petitioner has no option but to request judicial review of the primary.

11. This petition is duly certified by two practicing attorneys who have conducted their own investigation into the matters of fact and law upon which this petition is based and who agree it should be sustained. *See* Certifications attached as Ex. C.

12. Petitioner asserts her request for judicial review is properly supported, comports with all statutory requirements, and should be granted. The relief requested herein should be awarded in the interest of a full, fair, and free expression of the public will.

RELIEF REQUESTED

13. Petitioner seeks judicial review to determine whether she should be declared the winner of the primary or, alternatively, whether a special primary election should be ordered.

14. In support of the contention that she should be declared the winner, Petitioner avers she won at the polls and Johnny Lee Gary, Jr. only became the party nominee due to the Resolution Board's acceptance of fraudulent and illegal ballots from alleged absentee electors.

15. "Absentee paper ballots, unlike machine votes, are particularly amenable to fraud," and "the detailed procedures outlined in the statutes ... are designed to protect against fraudulent votes and ensure that absentee ballots actually reflect the will of the voters who cast them." *Rogers v. Holder*, 636 So.2d 645, 649 (Miss. 1995).

16. Petitioner asserts fraud or intentional violations were committed by some or all of those persons identified in the underlying petition as witnesses to an inexplicably large number of absentee ballots. Alternatively, ballots witnessed by those persons "are shadowed by allegations and a reasonable inference of fraud; in other words, at least a 'hint of unseemliness.'" *Id.*

17. Petitioner asserts mandatory statutory requirements regarding absentee ballots were largely disregarded by the Resolution Board, whether fraudulently, intentionally, or otherwise. Alternatively, there was a "substantial failure to comply materially with the applicable statutes

and the intent of the voters is impossible to ascertain.” *Boyd v. Tishomingo Cnty. Democratic Exec. Comm.*, 912 So.2d 124, 130 (¶11) (Miss. 2005).

18. Petitioner asserts the number of fraudulent and illegal ballots accepted by the Resolution Board on August 8, and August 16, was more than sufficient to change the outcome of the primary, all absentee ballots should be thrown out, and she should be declared the winner.

19. Alternatively, Petitioner asserts the primary should be voided, and a special election held, because either (1) enough illegal votes were cast for Johnny Lee Gary, Jr. to change the result of the election, or (2) so many votes require disqualification that the will of the voters is impossible to discern. *Waters v. Gnemi*, 907 So.2d 307, 316 (¶15) (Miss. 2005).

20. In other words, even if Petitioner fails to prove fraud, the identified violations represent “such a total departure from statutory compliance as to destroy the integrity of the election and make the will of the qualified electors impossible to discern.” *Id.*

21. Notably, the violations are not limited to absentee ballots, but include the failure to abide fundamental statutory requirements at the polling places such as securing and maintaining chain of custody over ballots and ballot boxes, following proper procedures for affidavit ballots, swearing in poll workers, and properly recording their oaths. They also include the failure to secure ballots and ballot boxes in the registrar’s office and to scan ballots in view of the public.

22. Accordingly, either Petitioner should be declared the winner of the primary, or a special primary election should be held to determine the true will of the people, but in no event should the current primary results be permitted to stand.

GROUND FOR CHALLENGE

23. When considering the grounds for challenge raised by Petitioner, the Court should strive to preserve the integrity of the election process, and protect the public right to free and fair

elections. Voters rely upon their election officials and the courts to prevent any fraudulent manipulation of the public will. The interests of voters are paramount.

24. While innocent human errors and mere technical irregularities certainly occurred in the primary, as in all elections, they are not central to this challenge. The statutory violations at issue are fundamental to the prevention of election fraud, particularly as it pertains to absentee ballots, but also as it pertains to the integrity of the election process as a whole.

25. **Absentee Ballots.** The reliability of every absentee ballot is at issue because fraudulent and illegal absentee votes have been “irredeemably and totally mixed in with the valid ballots,” leaving no means of determining “who these illegal ballots were cast for.” *Self v. Mitchell*, 327 So.3d 93, 95 (Miss. 2021). This is why all 167 absentee ballots cast in the general election in Leflore County in 2019 were invalidated following judicial review. *Id.*

26. Strict compliance with statutes governing absentee ballots is mandatory. Under these statutes, a voter can obtain an absentee ballot in only one of two ways: by appearing in person before the county registrar, or requesting a ballot by mail and mailing it back. *See, e.g., Lewis v. Griffith*, 664 So. 2d 177, 185 (Miss. 1995).

27. Three types of absentee ballots are available: “green” absentee ballots are completed in the registrar’s office in the presence of the Circuit Clerk or a Deputy Clerk; “blue” absentee ballots are provided to electors who provide sufficient proof of permanent disability; and “black” absentee ballots are provided to any elector who requests one from the registrar.

28. Green absentee ballots are to be left with the registrar; however, blue and black ballots must be mailed back to the registrar before they can be accepted and counted as valid. Miss. Code § 23-15-631 (mailed absentee ballot must be placed “in the post office or some government

receptacle provided for deposit of mail so that the absent elector's ballot will be postmarked on or before the date of the election ...").

29. Rather than a trivial or technical irregularity, a postmark is part of "the substantive law pertaining to the handling of absentee ballots by the elector and registrar." *Id.* Accordingly, the Court should review all blue and black absentee ballots accepted in the primary, including each specifically identified in the underlying petition, and invalidate any that do not bear a postmark.

30. Whether green, blue, or black an absentee ballot must be notarized unless the elector's ballot application states they will be unable to vote in person due to "permanent or temporary disability." *Id.* Such applications may be "witnessed" only, although the application and envelope must still be properly signed and dated by the voter and witness, and the envelope signatures of the voter and witness must each extend across the flap. *Id.*

31. As set forth in the underlying petition, an inexplicably large number of absentee ballot applications and envelopes were witnessed by the same few persons including, Dorothy Glenn Nichols (also known as Dorothy Ann Glenn) who, in a prior election dispute, was found to have "no credibility as a witness" and "a propensity to use false addresses to attempt to meet the requirement for candidacy for public office." *Glenn v. Powell*, 149 So.3d 480, 482 (Miss. 2014).

32. When considered alongside other irregularities, a single person repeatedly serving as a witness has been held sufficient to undermine confidence in the integrity of all absentee ballots. *Campbell v. Whittington*, 733 So.2d 820 (Miss. 1999). Those absentee ballots identified in the underlying petition as being witnessed by the same few persons also contain other irregularities.

33. The Court should invalidate each irregular absentee ballot signed by a serial witness, and question the integrity of all absentee ballots on grounds that the outsized involvement of Ms. Nichols and a few others, when considered alongside a total departure from statutory compliance

by the Resolution Board, destroyed the integrity of the primary and gives rise to a “reasonable inference of fraud,” or at least a “hint of unseemliness.” *Rogers*, 636 So.2d at 649.

34. Even those absentee ballots that do not carry a sniff of fraud should be invalidated if there is a substantial deviation from substantive statutory requirements. Each absentee ballot submitted by an allegedly disabled voter without the signature of an attesting witness on their application should be invalidated. *Smith v. Hollins*, 905 So.2d 1267, 1271 (Miss. 2005). Likewise, each un-notarized absentee ballot application submitted by a voter who claimed to be unable to vote in person for any reason other than permanent or temporary disability should be invalidated.

35. Indeed, invalidating every absentee ballot cast in the primary is proper because tainted absentee ballots have been commingled with legal ones, making it impossible to determine an accurate total of votes for each candidate in each precinct. *See, e.g., Folsom v. Fuco*, 305 So.3d 406, 409 (Miss. 2020); *Thomson v. Jones*, 17 So.3d 524, 528 (Miss. 2008) (holding “[t]he stain of illegality bled from” invalid absentee ballots onto legal ones “tainting the entire lot.”).

36. In addition to improperly accepting ballots, the Resolution Board improperly rejected at least seven valid absentee ballots. These ballots are specifically identified in the underlying petition, each meets the statutory requirements, and at least two are green ballots which are typically afforded more deference because they are “filled out and notarized by the circuit clerk, strengthening the integrity of the applications” *Boyd v. Tishomingo Cnty. Democratic Exec. Comm.*, 912 So.2d 124, 132 (Miss. 2005); *Harreld v. Banks*, 319 So.3d 1094, 1111 (Miss. 2021).

37. **Chain of Custody.** Witnesses report a box of absentee ballots were missing on Election Day and not discovered for many days. When the box was discovered, it was reportedly opened by someone who was not a member of the Resolution Board. Other witnesses report 22 ballots were “found” by the Resolution Board, and no one could explain where they came from.

38. Whether the missing box and the found ballots are one and the same is unclear. However, Petitioner contends all absentee ballots received by the registrar on or before August 8, 2023, but not counted on Election Day, should have been rejected by the Resolution Board because chain of custody was broken, and the integrity of the ballots cannot be confirmed. *See, e.g., Waters*, 907 So.2d at 329 (¶57) (“Ballot box security is essential to producing an election result in which not only the voters, but the candidates themselves, can be confident.”).

39. Witnesses also report the Resolution Board could never reach a correct count of the absentee ballots that were received, consistently resulting in a count that was two ballots shy of the expected total. Petitioner contends the two “missing” ballots likely belonged to Fredrick Tyron Davis and Seneca Carter, as unopened envelopes containing their ballots were found inside the box containing ballots “accepted” by the Resolution Board on August 16, 2023.

40. Chain of custody issues exist as to all blue and black absentee ballots because, while date-stamped when received by the registrar’s office, the clerks in that office were not in the habit of initialing their stamps. As a result, Petitioner is currently without any reliable means of determining how blue and black absentee ballots without postmarks found their way into the possession of the registrar, e.g., a clerk with a propensity for improperly accepting absentee ballots “over the counter” cannot be identified from the face of those ballots.

41. Chain of custody issues also surround ballots cast at the polling precincts. Examples include the mishandling of Zero Totals Reports printed by the DS 200 scanners assigned to each polling place. Pursuant to Miss. Code § 23-15-521, “an errorless count shall be made and certified by the officials in charge before the count is started” then sealed and retained in the ballot box for the polling place. However, a Zero Totals Report was not found in the box for the

Southeast Greenwood Precinct, the Zero Totals Report for that precinct was found in the Rising Sun Precinct box, and a Zero Totals Report for the Rising Sun Precinct was never located.

42. The box for the Southeast Greenwood Precinct contained three cut sealing tags but no Official Election Seals, no Seal Log, no Precinct Officers Canvas Envelope, and no Receiving and Returning Manager Receipt Form; the box for the Rising Sun Precinct contained four Voter Receipt Books but the Receiving and Returning Manager Receipt Form stated only three had been provided; and the ballot box for the North Itta Bena Precinct contained two cut sealing tags but no information regarding the precinct's scanners or their serial numbers, no Official Election Seals, no Seal Log, no Precinct Officers Canvas Envelope, and no Receiving and Returning Manager Receipt Form.

43. The failure of the ballot boxes to consistently contain the same documentation is proof the poll workers materially deviated from the requirements of Miss. Code § 23-15-519 which, using the word "shall," mandates that they prepare, among other things, a "ballot accounting report" and place it in the ballot box "with the seal logs" and other polling place materials.

44. The absence of seal logs and/or failure of poll managers and election officials to maintain seal logs with the required information is especially concerning. Such logs should "document each time a tamper-evident seal for a ballot box is opened or changed. The seal log shall require the name of the person who opened the seal, the old seal number, the new seal number, the date the seal was opened and the purpose for opening the seal." Miss. Code § 23-15-519.

45. No seal log found in any ballot box used in the primary materially complied with all of the statutory requirements found in Miss. Code § 23-15-519, and no seal log of any sort was found either in the three absentee ballot boxes or the ballot boxes for the Southeast Greenwood and North Itta Bena precincts.

46. **Unsecured Ballots.** In addition to those absentee ballots received by the registrar prior to Election Day but not counted until August 16, and the 22 unaccounted-for ballots inexplicably “found” by the Resolution Board on or before August 16, Petitioner contends poll workers failed to secure at least some of the ballots cast at the Southeast Greenwood Precinct and one of the two polling places for the North Greenwood Precinct on Election Day.

47. Witnesses report the wrong DS 200 scanner was at the Southeast Greenwood Precinct when it opened at 7:00 a.m., and the correct scanner did not arrive until around 8:30 a.m. During this period, voters were reportedly instructed to drop their ballots in an open, unsecured bin in violation of Miss. Code § 23-15-247. These ballots were reportedly scanned after the polls closed, despite the fact that they had been unsecured for approximately one and a half hours.

48. Witnesses also report an unknown number of ballots were initially unable to be scanned at the Old Fire Station polling place for the North Greenwood Precinct. Reportedly, these ballots were placed in an open, unsecured tray in violation of Miss. Code § 23-15-247. Whether these ballots were eventually secured and/or scanned after the polls closed is still unknown.

49. Witnesses also report the power went out at the Sidon Precinct shortly after it opened and remained out for the majority of the day. The Precinct Officers Canvas Envelope found in the Sidon Precinct ballot box indicates a DS 200 scanner failed to operate during the outage (despite a charged battery) but neglects to state whether any votes were cast on that machine. Whether ballots were properly collected and secured during the outage is still unclear. Likewise, it is unclear whether the poll workers complied with the requirements of Miss. Code § 23-15-525.

50. **Improper Affidavit Ballots.** “Affidavit ballots are used because the prospective voter is being challenged as to his qualifications to vote ...” *Wilbourn v. Hobson*, 608 So.2d 1187, 1191 (Miss. 1992). Such ballots are placed in specially labeled envelopes and, in a primary, the

qualifications of each such voter should be verified by the party executive committee before a final decision is made regarding whether to accept or reject their ballot. *Id.* at 1193.

51. Two types of affidavit ballot envelopes are available: yellow envelopes labeled "Voter ID/Absentee Voter Affidavit Ballot" are used when a voter claims they (a) are unable to present an acceptable form of photo ID, (b) have a religious objection to being photographed, or (c) have already cast an absentee ballot; white envelopes labeled "Affidavit Ballot" are used when a voter claims they (a) were illegally denied registration, (b) recently changed addresses, (c) recently registered but are not in the poll book, or (d) do not otherwise qualify to cast a regular ballot.

52. All affidavit ballot envelopes contain a section titled "Affidavit of Voter" where the voter is required to state, "under penalty of perjury," the reason they require such a ballot; a section titled "Poll Manager" where the "Reason for Affidavit Ballot" is to be identified; and a section titled "For Election Commission or Party Committee Use Only" where, in a primary, a member of the party executive committee is to "mark all [grounds] that apply" for accepting or rejecting the ballot, note the "final action taken," and identify the "follow-up action taken."

53. As with absentee ballots, the requirements for a valid affidavit ballot are statutory. *See* Miss. Code § 23-15-573. Among other requirements, such as the signature of a poll manager, the voter is required to check the box on their envelope indicating the reason they are entitled to cast an affidavit ballot. Op. Atty. Gen. No. 2003-0497, Sautermeister, September 26, 2003.

54. When a voter fails to provide a written affidavit attesting to their entitlement to vote, their ballot is illegal and void. *Wilbourn*, 608 So.2d at 1188 (holding "the affidavit required by § 23-15-573 is a condition precedent to permission to vote. In other words, the making of the proper affidavit in writing before an election manager is mandatory, not directory.").

55. In *Wilbourn*, a mere irregularity on the contested affidavit ballots did not render them invalid. It was “strongly suggested, however, that the making of the affidavit was crucial.” *Hatcher v. Fleeman*, 617 So.2d 634, 640 (1992) (overruled on other grounds). As set forth in the underlying petition, the requirement of a proper affidavit was widely ignored in the primary.

56. In the Southeast Greenwood Precinct, 23 yellow envelopes and no white envelopes were found in the ballot box. The “Affidavit of Voter” section was not properly completed on any of these envelopes. Seven were marked “accepted” and 16 “rejected.” The accepted ballots should have been rejected due to the lack of a proper affidavit. Notations on the rejected envelopes include “NR,” “wrong precinct,” and “purged,” meaning none of these voters were provided the correct envelope and each was denied the right to complete a proper affidavit.

57. In the Southwest Greenwood Precinct, seven yellow envelopes and no white envelopes were found in the ballot box. The “Affidavit of Voter” section was not properly completed on any of these envelopes, and two were not signed by a poll manager. Two were marked “NR” while “name not on poll book,” or an equivalent, was written on the other five, meaning none of these voters were provided the correct envelope and each was denied the right to complete a proper affidavit. All of these ballots should have been rejected, yet three were accepted.

58. In the Rising Sun Precinct, five yellow envelopes and no white envelopes were found in the ballot box. The “Affidavit of Voter” section was not properly completed on any of these envelopes, and one was not signed by a poll manager. Two were marked “OK,” and contained no ballots. These should have been rejected due to the lack of a proper affidavit. Two of the remaining envelopes were marked “NR,” and no reason for rejection was identified on the third. All three of these voters answered “yes” when asked whether they recently registered, yet none were given a white envelope, meaning each was denied the right to complete a proper affidavit.

59. In the North Itta Bena Precinct 10 yellow envelopes were found in the ballot box. Eight were marked "rejected," one was marked "accepted," and one was not clearly marked either way but appears to have been scanned "in error." No reasons were given for the rejections or the acceptance, and only three of the envelopes were signed by a poll manager. Thirty white envelopes were also found. Seventeen were marked "rejected" and 13 "accepted." Some rejected envelopes were marked "wrong precinct" or "purged," but most were marked "NR" and "AB." A white envelope should never be marked "AB" since "absentee ballot" is one of the two reasons for use of a yellow envelope. These voters were denied the right to complete a proper affidavit.

60. In the South Itta Bena Precinct 12 yellow envelopes and no white envelopes were found in the ballot box. The "Affidavit of Voter" section was not properly completed on 10 of these envelopes. Five were marked "accepted" and seven were marked "rejected." Notations on the rejected envelopes include, "NR," "wrong precinct," and "not on book," or an equivalent, meaning none of these voters were provided the correct envelope and each was denied the right to complete a proper affidavit. At a minimum, 10 of the ballots accepted at this polling place should have been rejected due to the lack of a proper affidavit.

61. **Unsworn Poll Workers.** The failure to secure all ballots cast at the precincts on Election Day, maintain proper chains of custody, and properly handle affidavit ballots is compounded by the fact that many of the poll workers were not properly sworn and/or their oaths were not properly recorded. The "Oaths of Managers and Clerks of Election" is found on the back of the Voter Receipt Books provided to the polling places. These oaths are to be signed by each poll worker, then dated, "sworn and subscribed to," and signed again by the manager and one clerk.

62. These oaths are required by law to provide voters with an assurance that the "managers and clerks of an election ... will faithfully perform their duties according to law and will not

attempt to guide, aid, direct or influence any voter in the exercise of his right to vote except as expressly allowed by law." *O'Neal v. Simpson*, 350 So.2d 998, 1007 (Miss. 1977).

63. The required oaths are not fully and properly executed and/or not properly "sworn and subscribed to" as required by Miss. Code § 23-15-237 on one or more of the Voter Receipt Books found in the ballot boxes for the Southeast Greenwood Precinct, the Southwest Greenwood Precinct, the Rising Sun Precinct, and the North Itta Bena Precinct. This substantive violation is more than a mere technical irregularity but, even if it were not, when coupled with other irregularities at these polling places, there is at least an appearance of impropriety and a valid reason to challenge the validity of any vote cast at these precincts.

64. **Closed-Door Counting.** Witnesses report the scanning of accepted absentee ballots on the night of the election occurred behind a closed door in the interior of the registrar's office. It has been reported that the Circuit Clerk insisted on keeping the door closed even after one or more persons in his office noted the process should occur in the open, in full view of the public.

65. According to the Greenwood Commonwealth, the Circuit Clerk reported on election night that the door was kept closed to prevent election workers from being distracted by the candidates and their supporters. *See* Newspaper Article attached as Ex. D.

66. Petitioner asserts the possibility of a distraction is no excuse for purposefully conducting a critical election proceeding outside the view of the public. Further, doing so is a clear violation of Miss. Code § 23-15-523 which states, in pertinent part: "All proceedings at the counting center shall be under the direction of the election commissioners or officials in charge of the election, and shall be conducted under the observations of the public"

67. Scanning accepted absentee ballots in a manner that is designed to prevent public oversight is certainly suggestive of fraud or an intentional violation of Miss. Code § 23-15-523.

At a minimum, it represents a “radical departure” from Mississippi’s election laws sufficient to invalidate all absentee ballots or, alternatively, require a special primary election. *See, e.g., Harpole v. Kemper Cnty. Democratic Exec. Comm.*, 908 So.2d 129, 137 (Miss. 2005).

CONCLUSION

68. The primary was plagued by fraud, illegality, and widespread irregularities which warrant judicial review. The Mississippi Supreme Court has held, “[i]t is imperative that the appropriate elected officials strictly adhere to the statutes concerning absentee ballots,” *Stringer v. Lucas*, 608 So.2d 1351 (Miss. 1992), yet it is beyond clear that absentee ballots which should have been rejected were accepted and vice versa. Taken alone, the number of improperly accepted absentee ballots is more than sufficient to change the outcome of the election. However, it is also clear a few individuals had an outsized involvement in the witnessing of absentee ballots, which is at least suggestive of the unseemly practice of ballot harvesting and, when considered alongside other irregularities, casts doubt on the validity of all absentee ballots cast in the primary.

69. Additionally, there was a failure to secure ballots and ballot boxes at certain polling places and in the county registrar’s office, chains of custody were not maintained, statutory requirements regarding affidavit ballots were widely ignored, and some poll workers were either not sworn or their oaths were not properly recorded. Furthermore, absentee ballots were counted and scanned behind a closed door in the registrar’s office, which represents a radical departure from Mississippi’s election laws. These and other deviations from statutory law, as set forth herein and in the underlying petition, call the integrity and outcome of the election into question.

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests judicial review of the primary. Petitioner asserts that either she should be declared the winner of the primary, or a special primary election should be held to determine the true will of the people.

However, in no event should the current primary results be permitted to stand. Petitioner further requests any additional relief warranted in the premises, whether general or specific.

DATED: September 7, 2023

Respectfully submitted,

DEBRA TATE HIBBLER



HICKMAN, GOZA & SPRAGINS, PLLC
H. SCOT SPRAGINS, MSB #7748
LAWRENCE J. TUCKER, JR., MSB #100869
BRIAN A. CLARK, MSB #100736
P.O. Drawer 668
Oxford, MS 38655
(662) 234-4000 (telephone)
(662) 234-2000 (facsimile)
sspragins@hickmanlaw.com
ltucker@hickmanlaw.com
bclark@hickmanlaw.com

OF COUNSEL:

ABRAHAM & ASSOCIATES
A. LEE ABRAHAM, MSB #1028
JACOB M. JENKINS, MSB #10245
P.O. Box 8407
Greenwood, MS 38935
(662) 453-3000 (telephone)
(662) 453-3059 (facsimile)

FILED

SEP 07 2023

CLERK OF COURT
JUDICIAL DISTRICT OF CLAY COUNTY
GREENWOOD, MISSISSIPPI

THE STATE OF MISSISSIPPI

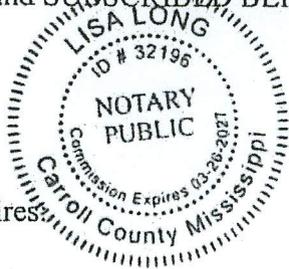
THE COUNTY OF LEFLORE

VERIFICATION

Personally came and appeared before me, the undersigned authority in and for the aforesaid jurisdiction, DEBRA TATE HIBBLER, who being by me first duly sworn states on oath that the matters and things contained in her *Verified Petition for Judicial Review of the Democratic Primary Election for Chancery Clerk of Leflore County, Mississippi* are true and correct to the best of her knowledge, information, and belief.

Debra Tate Hibbler
DEBRA TATE HIBBLER

SWORN TO and SUBSCRIBED BEFORE ME, on this the 6 day of September, 2023.



Lisa Long
NOTARY PUBLIC

My Commission Expires

3/26/27

FILED

SEP 07 2023

ELMUS STOCKSTILL, CIRCUIT CLERK

BY *[Signature]* D.C.

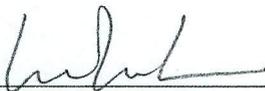
CERTIFICATE OF SERVICE

I, LAWRENCE J. TUCKER, JR., of Hickman, Goza & Spragins, PLLC, Oxford, Mississippi, do hereby certify that I have, this date, filed the above with the Court and retained a process server to personally deliver a copy to:

Johnny Lee Gary, Jr.
218 Rising Sun Circle
Greenwood, MS 38930

Robert Sims
Chairman, Democratic Executive Committee

DATED: September 7, 2023



LAWRENCE J. TUCKER, JR.

FILED

SEP 07 2023

ELMUS STOCKSTILL, CIRCUIT CLERK

BY  D.C.