

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**MISSISSIPPI STATE DEMOCRATIC PARTY,
AND MISSISSIPPI STATE DEMOCRATIC
PARTY EXECUTIVE COMMITTEE,**

PLAINTIFFS,

VS.

CIVIL ACTION NO. 4:06CV29-P-B

**HALEY BARBOUR, GOVERNOR; JIM HOOD,
ATTORNEY GENERAL; ERIC CLARK, SECRETARY
OF STATE, IN THEIR OFFICIAL CAPACITIES
AS MEMBERS OF THE MISSISSIPPI BOARD OF
ELECTION COMMISSIONERS,**

DEFENDANTS.

AMENDED ORDER

In accordance with a Memorandum Opinion issued this day, **IT IS ORDERED AND
ADJUDGED** that:

- (1) The defendants' motion for summary judgment [30-1] is **DENIED**;
- (2) The plaintiffs' motions for judicial notice [34-1 and 35-1] are **DENIED**; and
- (3) The plaintiffs' cross-motion for summary judgment [38-1] is **GRANTED**; therefore,
- (4) The court declares that the current primary system in Mississippi pursuant to Miss. Code Ann. § 23-15-575 unconstitutionally infringes on the Mississippi Democratic Party's First Amendment right of association because (a) there is no mandatory party registration with the option for voters to choose to register as unaffiliated, and (b) there is no mandatory voter photo identification system in place to verify who participates in a primary;
- (5) The Mississippi Legislature must pass a new primary system that does not run afoul of

this court's rulings by no later than April 1, 2008;

(6) After passing the appropriate legislation, and before implementing the bills creating the new primary system, the Mississippi Legislature must then apply for preclearance from the Justice Department pursuant to the Voting Rights Act of 1965 ten business days later, in no event later than April 11, 2008;

(7) The State shall then update the court seventy days after submission of the plan for preclearance, in no event later than June 10, 2008, informing the court of the Justice Department's preclearance decision;

(8) In no event shall Mississippi conduct its current primary election system after August 2007 with the exception of run-off primary elections resulting from the original primaries occurring in August 2007; and

(9) The court shall retain jurisdiction over this matter until such time the new primary system is implemented and the court determines that the new system, as implemented, does not run contrary to the court's rulings in this case.

SO ORDERED this the 11th day of June, A.D., 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE