



**Mayor**

*Johnny L. DuPree, Ph.D.*

**Council- Ward 1**

*Kim Bradley*

**Council -Ward 2**

*Deborah Denard Delgado*

**Council -Ward 3**

*Carter Carroll*

**Council -Ward 4**

*Mary Dryden*

**Council- Ward 5**

*HemyNaylor*

August 22, 2013

Jim Hood  
Attorney General  
P.O. Box 220  
Jackson, MS 39205

Mr. Hood,

The City of Hattiesburg has been ordered by Judge William Coleman to hold a special election to determine who will serve as Mayor. The Governor has set the special election for September 24, 2013.

Four of five members of the Council have issued a public statement and written to the Governor and the Secretary of State requesting help in conducting an honest and fair election. (Both documents are attached.)

As you will note, for these four Council members, the concern is to restore the public trust in the election process; this is something we do not believe possible unless the special election is conducted by people other than those responsible for the June 4, 2013, election.

Mayor Johnny DuPree was asked during the Agenda Review meeting Monday to appoint new election commissioners; yesterday at a special called meeting he submitted two new names as substitutes for commissioners who no longer wish to serve, but re-appointed three commissioners whose terms expired June 30, 2013. The Council voted 5-0 to ratify and confirm the two new appointments and 3-2 against ratifying and confirming the three who served previously. During subsequent discussion, Council members did state their willingness to ratify new members, if presented; a similar but more detailed discussion was held during the Agenda Review meeting Monday.

Mayor DuPree read aloud an email from Kim Turner in the Secretary of State's office that seems to confirm that these three commissioners will be allowed to serve, even though they were not ratified and confirmed. She cites a 1993 Attorney General Opinion from Mike Moore. (Both documents are attached.)

As President of the Council, I respectfully disagree that the cited opinion applies to the situation in Hattiesburg. In this case, there was a trial, at which numerous violations of election system protocol were revealed. There is grave cause for concern about the judgment, the conduct and the competence of the members of this Election Commission:

- For the citywide election, the Election Commission voted not to abide by an Attorney General's opinion that it sought, and instead accepted candidates for City Council who had submitted petitions containing signatures from citizens who lived outside their respective wards.

- In the mayoral election, the Election Commission completely abdicated its responsibility to conduct legal and fair elections. Evidence was presented during the trial of an inexcusable departure from election law and requirements.
- As reported locally, two Election Commissioners actively campaigned for Mayor DuPree by placing his campaign signs in their respective yards.
- At least one commissioner made her political leanings very clear publicly during the period when affidavit ballots were being counted at City Hall.

I am asking you for a new Attorney General's opinion, one that takes into account the circumstances that have clouded the election results in Hattiesburg and that have destroyed the public's confidence in the City's election process. In this opinion, I ask that you address also Ms. Turner's email; her opinion, by definition, robs the Council of its right to ratify and confirm the Mayor's appointments and invalidates the checks-and-balances system upon which our city, state and federal governments are founded.

Time is of the essence, if we are to conduct a fair and impartial special election September 24. Thank you for considering this request. I would very much appreciate an expedited response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kim Bradley".

Kim Bradley, President  
Hattiesburg City Council

Attachments: Council letter to Governor  
Council statement on special election  
Email from Kim Turner, Secretary of State's Office  
AG Opinion No. 93-0752