

# Criminal Election Law Complaint Filed By Former Mayoral Candidate Thomas Garmon Jr. | Two Election Officials and Candidate Named in Complaint

The below complaint was filed with the City Clerk and Circuit Clerk. According to the statute, the Forrest County Election Board must have a hearing regarding this matter.

## **COMPLAINT of VIOLATION of ELECTION LAW**

Pursuant to MS CODE **SEC. 23-15-903. Procedure for filing complaint of violation of election law; which states**

*In addition to any other procedure provided by law, any person who has reason to believe that any election law has been violated may file a written complaint with the commissioners of election of the county in which the alleged violation occurred. The commissioners of election shall conduct a hearing on any such complaint. The district attorney shall have notice of such hearing and the district attorney or his legal assistant may attend such hearing. If the election commissioners find that there is probable cause to believe that a violation has occurred, they shall refer the complaint to the district attorney and the district attorney shall present the matter to the grand jury at its next term*

I am filing a formal, written complaint alleging that numerous violations of election law occurred in the 2013 Hattiesburg municipal election and a hearing of the Forrest County Election Commission should be held as required by law to

determine if probable cause exists to bring in the Attorney General in order to put forth the matter before a Grand Jury.

(1) **ALLEGED VIOLATION SEC. 23-15-551. Marking and casting ballot; who may be present in polling room** A voter shall not be allowed to occupy a voting compartment already occupied by another voter, nor any compartment longer than ten (10) minutes,

Mitchell Carter, 18, said that on Tuesday an unnamed member of the DuPree campaign drove by his home and offered to pick him up and drive him to the Rowan precinct a few blocks away. Carter claims he was then escorted inside by a DuPree campaigner who followed him to his polling station. "When she came in there, I felt awkward, you know, because she thought I was supposed to vote for DuPree, and she came in there, put my card in and everything, and I thought she was just going to tell me how to do it."

According to Carter, the worker not only stayed with him, but she worked the machine herself, voting for DuPree and other candidates on his behalf.

"It just happened that quick. Like, oh my gosh, I just been like voted for...like someone voted for me like I didn't want him. And after that, it was the end of it," said Carter.

Carter claims he wasn't alone in his experience and campaign workers picked up other young people that day. "They went out and picked out all the younger people to make them vote for DuPree, because they don't know about all the politics and whatnot."

Carter says he feels taken advantage of, but it wasn't until he told his mother and witnessed her anger that he decided to come forward. "My mom is saying African Americans, we worked hard to vote, you know what I'm saying? And when you strip that right, that's like disrespecting the whole Civil Rights movement, you know?"



Election Commissioner Christy Thornton's Facebook page displays her support for Electing Johnny Dupree. Election officials are supposed to be unbiased, according to the law.

**(2) Election Commissioner Officials Daisy Lee Wade and Christy Thornton allegedly and willfully violated SEC. 21-8-31. Election offenses; which states**

*Any municipal officer or employee, other than the mayor and councilmen of any such municipality, who shall, during hours of employment solicit or attempt to influence any person to vote for any particular candidate at any election held in such municipality shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment in the municipal jail not exceeding thirty (30) days, or both such fine and imprisonment.*

Both Mrs. Wade and Mrs. Thornton displayed signs in their yards endorsing Mayor Dupree and Mrs. Thornton also "Liked" Mr. Dupree's "Elect Johnny Dupree" Fan Page, which advertised her endorsement of Mr. Dupree to voters on Facebook; and which are violations of the law as election officials. Given the evidence of their support of the Mayor Johnny Dupree is evident that they lack the ability to be impartial and should

be investigated by the grand jury.

(3) **Ward 5 candidate Kavadji Beverly allegedly violated the Hatch Act** – The Office of Special Counsel states on its website a covered employee is:

*“An officer or employee of a state or local agency is subject to the Hatch Act if, as a normal and foreseeable incident of his principal position or job, **he performs duties in connection with an activity financed in whole or in part by federal funds.** Coverage is not dependent on whether the employee actually administers the funds or has policy duties with respect to them. However, an employee may have other duties in connection with federally funded programs or activities, and thus may be covered by the Hatch Act, even though he does not apply for or administer federal loans or grants or have any authority or discretion over the federal funding.”*

Ward 5 Candidate Kavadji Beverly is an employee of the City of Hattiesburg within the department of Urban Development. This department receives funding and grants; as such, any employee within the department is prohibited from running in a partisan election.

I request a meeting of the Forrest County Election Commission hold a hearing as required by MS CODE SEC 25-15-903 to determine if probable cause exists to report this complaint to the Attorney General for probable election crimes.

Respectfully Submitted on this day 13<sup>th</sup> June , 2013

Thomas Garmon Jr., Former Democratic Candidate