

NOTICE OF SERVICE

Hester Jackson-McCray
3420 Laurelwood Drive
Horn Lake, Mississippi 38637

This notice is to inform you, Hester Jackson-McCray, as the member for whose election is being contested, that I, Ashley Henley, as the Republican nominee for Mississippi's State Representative, District 40, as a matter of right and in accordance with Mississippi's Constitution and Mississippi House of Representatives' House Rule 104B, have submitted a PETITION TO CONTEST THE ELECTION RESULTS OF MISSISSIPPI'S GENERAL ELECTION FOR STATE REPRESENTATIVE, HOUSE DISTRICT 40, HELD ON NOVEMBER 5TH, 2019 on this day, December 4th, 2019. A copy of the aforementioned petition is contained herein.

Signed,



Ashley Henley,
Republican Nominee for Mississippi's State Representative, District 40
2128 Brookhaven Drive
Southaven, Mississippi 38671
(901) 647-6255

PROOF OF SERVICE

I, Ashley Henley, as the Republican Nominee for Mississippi's State Representative, District 40, hereby swear under the penalty of perjury a copy of the above NOTICE OF SERVICE and a copy of the PETITION TO CONTEST THE ELECTION RESULTS OF MISSISSIPPI'S GENERAL ELECTION FOR STATE REPRESENTATIVE, HOUSE DISTRICT 40, HELD ON NOVEMBER 5TH, 2019 was served upon Hester Jackson-McCray, as the member for whose election is being contested, both by registered mail and by attaching a copy of the aforementioned to the front door of the last known residence in accordance with Mississippi's Constitution and Mississippi's House of Representatives' House Rule 104B, and that this **PROOF OF SERVICE** statement was submitted on this day, December 4th, 2019, to the Clerk of Mississippi's House of Representative at the State Capitol Building in Jackson, Mississippi.

Signed,



Ashley Henley,
Republican Nominee for Mississippi's State Representative, District 40
2128 Brookhaven Drive
Southaven, Mississippi 38671
(901) 647-6255

PETITION TO CONTEST THE ELECTION RESULTS OF MISSISSIPPI'S GENERAL
ELECTION FOR STATE REPRESENTATIVE, HOUSE DISTRICT 40, HELD ON
NOVEMBER 5TH, 2019

I, Ashley Henley, as the Republican nominee for Mississippi's State Representative, House District 40, do hereby formally petition Mississippi's House of Representatives to contest the election results of Mississippi's General Election for State Representative, House District 40, held on November 5th, 2019 as a matter of right authorized by Mississippi's Constitution and in accordance with Mississippi's House of Representatives' House Rule 104B.

The allegations concerning the election and grounds for the contest are as follows, stated with particularity in accordance with Mississippi Rules of Civil Procedure:

1. After a full ballot box examination conducted by Petitioner in accordance with MS Code 23-15-911 from November 19 through November 27th, Petitioner proclaims clear and present evidence validates Petitioner's allegation that six of six election precincts within Mississippi's State Representative House District 40 boundaries failed to adhere to proper election procedures to insure a fair and legitimate election as prescribed by Mississippi's Secretary of State, the official authorized by Mississippi's Constitution to oversee elections in the state of Mississippi.

A. Precinct 302/Southaven West

- 1) The "Zero Totals Report" documented the poll as opening at 7:47 AM on June 01, 2001.
- 2) The "Voting Results Report" documented the poll as opening at 7:47 AM on June 01, 2011 and the poll as closing at 8:44 PM on June 01, 2001.
- 3) The "Configuration Report" documented a time of 7:43 AM on June 01, 2001 with the election date of November 5th, 2019.
 - a) The incident report completed by a poll worker for this precinct acknowledged the clock time being an hour off while failing to acknowledge the glaring discrepancy regarding the date of the poll opening/closing.
- 4) One of three voter receipt books beginning with voter 277 through the last in person voter, number 366, zero voter signature receipts are stapled to the corresponding pages of the voter receipt book. The aforementioned are contained with a ziplock bag stapled to the page corresponding to voter number 337 through 356.
- 5) Zero voter signature receipts within the ziplock bag contain corresponding voter numbers as specifically prescribed by Mississippi's Secretary of State to be written thereon by the initialing manager prior to handing a ballot to a voter.

- 6) After recounting all paper and Express ballots, both counted and unused/blank, Petitioner proclaims three Express Ballots are unaccounted for/missing.

B. Precinct 404/Horn West

- 1) In clear violation of Mississippi's Secretary of State's prescribed election procedures as outlined in the office's Poll Manager Training Manual present at six of six precincts, all voter signature receipts for voters 46 through 476 are not stapled to the corresponding pages of the voter receipt book. Voter signature receipts for voters 46 through 476 are contained in five small ziplock bags in what appears to be no particular order, with no identifying marks upon the bags, stapled to the inside front cover of the voter receipt book.
- 2) Beginning with voter 92 through the last in person voter, number 476, no voter signature receipt contains a corresponding voter number as prescribed by Mississippi's Secretary of State to be written upon the voter's signature receipt by the initialing manager prior to handing a ballot to a voter.
- 3) During Petitioner's ballot box examination of the large, blue election equipment bag of Horn Lake West, a loose, unnumbered voter signature receipt for voter George M. Alexander and two loose slips of blank voter signature receipt tape were discovered within the bag.

C. Precinct 402/Horn Lake East

- 1) Zero voters' signatures (or a mark of X for illiterate and/or disabled) were obtained by poll workers.
 - a) This specific requirement is prescribed by Mississippi's Secretary of State as the official tasked with overseeing elections in our states and is outlined in the Secretary of State's Poll Manager Training Manual which was physically present at six of six precincts on November 5th, 2019.
- 2) Signature receipts for voters one through 127 each contained a screen captured, horizontal line drawn across the signature space of the receipt.
 - a) This documented and verified evidence observed by petitioner during the ballot box examination explicitly shows the electronic poll books were indeed working and that signatures could have been obtained by poll workers.
 - b) All remaining voters' signature receipts contained no screen captured marks of any kind. This fact is explicitly expressed on

each receipt via the following computer printed statement: "No Signature Captured."

- a) Zero of the aforementioned voters' signatures receipts contained handwritten signatures or marks of any kind written in pen/ink upon them by voters.
- c) No incident report was completed by the poll manager to indicate any reason for the lack of 100 percent of the precinct's voters' signatures. It is a matter of fact, as set out in Mississippi's Secretary of State's Poll Manager Training Manual, that voter signatures are required (or a mark of X for illiterate or disabled voters) in order for a voter to obtain a ballot.

At this point in the PETITION, it is incumbent upon me as the Petitioner to draw the committee's attention to the aforementioned facts, lack of incident report, and the requirement of obtaining voters' signatures in adherence with our state's election code as prescribed by our state's election official found within the office's training manual present as six of six precincts and attested to by oath by poll workers, should bring intense scrutiny upon the legitimacy of Precinct 40### Horn Lake East's general election results.

D. Precinct 303/Horn Lake North

- 1) Two folded, 100 percent completed paper ballots with Ashley Henley selected as by the voters for State Representative for District 40 were discovered during Petitioner's ballot box examination in the small, blue election equipment bag, which indicates the aforementioned ballots were not counted as they were not contained within the ballot bags.
 - a) Both ballots were initialed by the initialing manager.
 - b) Both were absent any tears, markings, or other signs of problems/reasons for the ballots not being run through the ballot counting machine.
- 2) The Poll Manager failed to complete the Precinct Location Information and failed to sign the required Certification Section at the top of the back cover of one of the three voter receipt books.
 - a) No poll worker signed the Oath Section of the bottom of the back cover of the aforementioned voter receipt book.
- 3) A second voter receipt book contains the signature of the "Manager of the Election" in the Certification Section, however is void of any signature in the "Oaths of Managers and Clerks of Elections" section.
- 4) The third voter receipt book, while containing all poll workers' signatures in both the Certification and Oath Sections, is void of the

necessary Election Precinct Information within the Poll Manager's Certification Oath.

- 5) The initialing manager failed to number a single voter signature receipt contained in the aforementioned voter receipt book. The numbering of signature receipts by initialing managers is required and set forth by the Secretary of State prior to handing a ballot to a voter.

At this point in the PETITION, it is incumbent upon me, as the Petitioner, to draw the committee's attention to the clear illegality of official documents absent of necessary information and signatures to validate said documents.

E. Precinct 401/Southaven South

- 1) Zero of two spoiled ballots had the required two timing marks torn off.
- 2) Signature receipts for voters three through six are not attached to the corresponding page.
- 3) The name Kiani Anderson is printed in ink in the voter receipt book as voter 172 with a receipt attached with voter number 575548987. The name Kiani Anderson is not listed in DeSoto County's Voter Registry.
- 4) Two whole pages within the voter receipt book for voter number 257 through voter number 296 are blank. Voter signatures stop on voter number 256 and then begin again on voter 297.
 - a) No explanation was given in an incident report.
 - b) No attempt to rectify voter number calculations was made.
- 5) After recounting both counted and blank/unused ballots, both paper and Express ballots four times, Petitioner proclaims seven Express ballots and five paper ballots of Ballot Style 15 are unaccounted for/missing.

F. Precinct 301/Colonial Hills

- 1) Zero "Express Ballots" were initialed by the initialing manager.
2. The margin of thirteen votes is invalid.
- A. While voter anonymity makes it impossible to determine for which candidate the ballots were cast, Petitioner alleges the following eleven specific instances of voter fraud in Mississippi's General Election for State Representative for House District 40 held on November 5th, 2019. These specific voters cast ballots according to residences at which they no longer have legal claim. The allegation of voter fraud against the eleven individuals named below was verified by Petitioner through a review of Homestead Exemptions and Warranty Deeds publically available through DeSoto County's Chancery Clerk's Office.
- 1) Janice M. Triplett voted at Horn Lake East using an address of a property she owns while filing a homestead on another property she owns located in District 25.

- 2) Shanna Buntyn voted at Southaven West using a previous address of a house that has been sold with a new Warranty Deed/Deed of Trust recorded.
 - 3) David Martin voted at Southaven West using a previous address of a house that has been sold with a new Warranty Deed/Deed of Trust recorded, as well as very public records of Mr. Martin's last known residence as being in Olive Branch prior to his incarceration for felony child abuse.
 - 4) Shevonne Pruitt-Spencer voted at Southaven West using a previous address of a house that has been sold with a new Warranty Deed/Deed of Trust recorded. *The same address as #2 Shanna Buntyn; * Which is also the address of other registered voters, specifically the current owners of that home that went through a very public purchase by a former Coldwater police man who survived after being shot in the face in 2012.
 - 5) Vickie Butler voted at Southaven West using a previous address of a house that has been sold with a new Warranty Deed/Deed of Trust recorded.
 - 6) Justin Shultz voted at Southaven West using a previous address of a house that has been sold with a new Warranty Deed/Deed of Trust recorded.
 - 7) Shannon Carrol Shaw voted at Southaven West using a previous address of a house that has been sold with a new Warranty Deed/Deed of Trust recorded.
 - 8) Anthony J. Brown voted at Horn Lake North using a previous address of a house that has been sold with a new Warranty Deed/Deed of Trust recorded.
 - 9) Elnora Shell voted at Horn Lake North while being a registered voter of District 52.
 - 10) Yashica Woodard voted at Horn Lake West using a previous address of a house that has been sold with a new Warranty Deed/ Deed of Trust recorded.
 - 11) Leon Calvin Twillie Jr voted at Horn Lake West while being registered at 501 Nesbit East.
- B. Two votes specifically cast for Ashley Henley as the selected candidate for Mississippi's State Representative for House District 40 were not counted in the election results.
- 1) The ballots containing the aforementioned votes were discovered in a small, blue election equipment bag for Precinct 303 Horn Lake North during the petitioner's ballot box examination conducted as a matter of

right and in accordance with Mississippi's Constitution, MS Code 23-15-911.

- C. All absentee ballot envelopes at five of six precincts (Colonials Hills being the only precinct to follow the Secretary of State's prescribed election procedures with regards to absentee ballots) are void of a check mark identifying the ballots as accepted or rejected and are all void of the required poll worker's initials, thereby invalidating all of the aforementioned absentee ballots, which according to the DeSoto County Election Commission were all accepted, opened, and run through the ballot counting machines at the respective precincts thereby strategically creating voter anonymity for the aforementioned absentee voters. While the candidate selected by the absentee voters cannot be ascertained by a review of the available documentation and evidence, all absentee ballots at five of six precincts should, by statute, be determined as illegitimate votes cast in this election. Said determination by the committee would result in a total of 44 votes being determined illegitimate as the result of poll managers at five of six precincts within the boundaries of state legislative district 40 not adhering to the Secretary of State's Election Procedures as authorized both statutorily and administratively.

- 1) Absentee Ballot Counts as follows:
 - a) 402 Horn Lake East - 10
 - b) 404 Horn Lake West - 9
 - c) 303 Horn Lake North - 4
 - d) 401 Southaven South - 1 (Originally reported as two absentees with one absentee transferred to the Resolution Board)
 - e) 302 Southaven West - 20

Petitioner prayerfully requests Mississippi's House of Representatives' Special Committee to report a resolution recommending to declare the office of representative for Mississippi's State Representative for District 40 as vacant. Petitioner makes this request based upon the allegations and grounds described herein, including but not limited to clear and substantial evidence of voter fraud occurring in Mississippi's General Election for Mississippi's House of Representatives' State Representative, District 40, and specific, documented violations of the "Oaths of Poll Managers and Clerks" by poll workers at six of six election precincts within the boundaries of the State Legislative District 40 of Mississippi's House of Representatives. Petitioner prays a vote in the majority by Mississippi's House of Representatives to adopt a resolution to declare the office of representative for Mississippi's State Representative for District 40 as vacant to prevent an abridgment of the rights of the voters of Mississippi's House of Representatives District 40.