

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

MATTHEW BARTON

PETITIONER

VS.

CAUSE NO. 23-129

**MISSISSIPPI REPUBLICAN EXECUTIVE
COMMITTEE, FRANK BORDEAUX, CHAIRMAN
AND AMANDA GUNASEKARA**

RESPONDENTS

**NOTICE OF APPEAL
(WITH ACCOMPANYING BILL OF EXCEPTIONS – EXHIBIT “A”)**

Respondent Amanda Gunasekara hereby files this Notice of Appeal along with a Bill of Exceptions (attached hereto as Exhibit A), appealing the order and judgment entered by the Special Judge, the Hon. Lamar Pickard, on March 27, 2023 (attached hereto as Exhibit B). A cost bond of \$300 has been filed with the clerk along with the Bill of Exceptions pursuant to Miss. Code Ann. §23-15-961(6). (See copy of cost bond check attached hereto as Exhibit C).

Respectfully submitted, this the 30th day of March, 2023.

FORMAN WATKINS & KRUTZ LLP

By: /s/ Spencer M. Ritchie
Spencer M. Ritchie (MSB #103867)

Attorney for Amanda Gunasekara

OF COUNSEL:

FORMAN WATKINS & KRUTZ LLP
210 East Capitol Street, Suite 2200
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spencer.ritchie@formanwatkins.com

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2023, I served a true and correct copy of the foregoing document using the MEC system, which gave notice to the following counsel of record:

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Akins & Adams, P.A.
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Attorney for Petitioner

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Attorneys for Co-Respondents

THIS, the 30th day of March, 2023.

/s/ Spencer M. Ritchie
SPENCER M. RITCHIE

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

MATTHEW BARTON

PETITIONER

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**MISSISSIPPI REPUBLICAN EXECUTIVE
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AND AMANDA GUNASEKARA**

RESPONDENTS

BILL OF EXCEPTIONS

Pursuant to Miss. Code Ann. § 23-15-961(6), Respondent Amanda Gunasekara hereby files this Bill of Exceptions appealing the order and judgment of the Hon. Lamar Pickard, Special Judge appointed to hear this contest of Mrs. Gunasekara's qualifications to run for Public Service Commissioner, Northern District, and in support thereof states the following:

Introduction

The issues in this case concern the five-year citizenship requirement for candidates for Mississippi Public Service Commissioner and whether Mrs. Gunasekara meets that requirement. Pursuant to Miss. Code Ann. § 77-1-1, Public Service Commissioners "shall each possess the qualifications prescribed for the Secretary of State." The Mississippi Constitution, Art. 5 § 133, states, in pertinent part, that to be Secretary of State, one must "be a citizen of the state five years next preceding the day of the election." The election date this year for Public Service Commissioner, along with all other offices up for general elections, is November 7, 2023.

On March 27, 2023, the trial court issued an order and judgment concluding that Mrs. Gunasekara was not qualified to be a candidate for Public Service Commissioner because she did not meet the pertinent citizenship requirement. In particular, the trial court found that because Mrs. Gunasekara cast a vote in Washington D.C. on November 6, 2018—five years and one day before

this year's election date—she could not have been a citizen of Mississippi for the entire five-year period preceding the day of this year's election.

The trial court ruled as such despite also finding it “clear” that earlier in 2018, Mrs. Gunasekara had decided to relocate to Mississippi and in August of 2018 agreed to purchase a home for that purpose. The trial court also found it “clear” that “shortly after November 7, 2018,” several events occurred confirming Mrs. Gunasekara had in fact relocated to, and became a citizen of, Mississippi, such as registering to vote in Mississippi in January of 2019. Thus, the trial court effectively found that but for a couple months at the beginning of the term, Mrs. Gunasekara met the five-year citizenship requirement.

The trial court's ruling failed to address the uncontroverted testimony from Mrs. Gunasekara that in the fall of 2018, but well before November 7, 2018, she was already commuting back and forth between Mississippi and Washington D.C., living with her parents in her childhood home when she was in Mississippi. The trial court further failed to address Mrs. Gunasekara's uncontroverted testimony that she could not move into the Mississippi home until 2019 because, beginning in September of 2018, the property underwent major renovations, renovations that Mrs. Gunasekara herself personally oversaw.

Facts

1. On January 5, 2023, Mrs. Gunasekara filed qualifying papers to run for Public Service Commissioner, Northern District.
2. On February 9, 2023, the Petitioner, Matthew Barton, filed a petition contesting Mrs. Gunasekara's qualifications with the State Executive Committee of the Mississippi Republican Party (“State Executive Committee”).
3. Mrs. Gunasekara has two opponents in the Republican primary election for Public Service Commissioner, Northern District. The Petitioner, Mr. Barton, is not one of them.

4. On February 16, 2023, the State Executive Committee conducted a hearing on the merits of Mr. Barton's challenge and heard evidence. Following the hearing, the Committee voted to deny the challenge and accept Mrs. Gunasekara's qualifications.
5. On February 24, 2023, Mr. Barton filed a petition for judicial review of the State Executive Committee's decision in the Circuit Court of Hinds County, Mississippi, pursuant to Miss. Code Ann. § 23-15-961(4).
6. On February 27, 2023, Hon. Michael K. Randolph, Chief Justice of the Mississippi Supreme Court, issued an order appointing Judge Pickard to preside over Mr. Barton's petition for judicial review.
7. Also on February 27, 2023, the trial court entered an order setting a hearing on Mr. Barton's petition for March 22, 2023.
8. On March 6, 2023, Mrs. Gunasekara filed a response to Mr. Barton's petition.
9. On March 7, 2023, the trial court signed an order permitting limited discovery.
10. On March 9, 2023, the State Executive Committee filed with the trial court the record of the proceedings before the Committee when it heard and ultimately denied Mr. Barton's challenge to Mrs. Gunasekara's qualifications.
11. On March 22, 2023, a hearing was conducted before the trial court. At the hearing, the following evidence pertinent to this Bill of Exceptions was heard, either via the testimony of Mrs. Gunasekara, documents admitted into evidence, or the record before the State Executive Committee, which was admitted into evidence at the hearing.
 - a. Mrs. Gunasekara testified she is a seventh-generation Mississippian who attended elementary school, middle school, high school, college, and law school in the state.
 - b. Mrs. Gunasekara testified that in 2010 she moved to Washington D.C. after graduating from law school and that she lived there with no concrete plans to leave until 2018. Living in D.C. during this time frame, Mrs. Gunasekara testified she held jobs in the U.S. House of Representatives, the U.S. Senate, and the U.S. Environmental Protection Agency.
 - c. Mrs. Gunasekara testified that in early 2018 she and her family decided to move back home to Mississippi permanently and, along with her parents, who lived in Decatur, Mississippi, began looking for property to purchase for that purpose.
 - d. Mrs. Gunasekara testified that in August of 2018 she and her parents learned of property being sold next to her parents' property and home in Decatur and they agreed

for her parents to submit a bid on the property with the express understanding that Mrs. Gunasekara and her husband would live on the property and take title on it once they had adequate financing. The bid was successful.

- e. Mrs. Gunasekara testified that the Decatur property needed extensive work before they could move into it and that work began in September of 2018 and extended into the spring of 2019.
 - f. Mrs. Gunasekara testified that starting in at least October of 2018, she began commuting back and forth from Mississippi and D.C. She testified she began doing so to oversee the work being done on their new property and to facilitate her family's transition back to Mississippi once the property was ready. Mrs. Gunasekara testified when she was in Mississippi during this time frame, and until work on the property was completed in June of 2019, she lived in her childhood bedroom in her parents' home.
 - g. Mrs. Gunasekara testified that in addition to registering to vote in Mississippi in January of 2019, she also reacquired a Mississippi driver license at that time. Additionally, Mrs. Gunasekara testified that in February of 2019 she established an office in Jackson, Mississippi for a non-profit corporation she started and that was incorporated in Mississippi that same month.
 - h. Mrs. Gunasekara's parents submitted a sworn affidavit to the State Executive Committee, which was part of the record admitted into evidence before the trial court. The affidavit corroborates all of Mrs. Gunasekara's testimony as set forth above.
 - i. Regarding her vote in the November 6, 2018 election in D.C., Mrs. Gunasekara testified she cast a vote for a friend who was running for a position on an Advisory Neighborhood Commission. Mrs. Gunasekara testified it was her understanding that anyone who had a mere residence in D.C. could vote in D.C. elections as long as they were not registered to vote someplace else. And despite having decided to relocate to, acquired a new home in, and begun commuting from Mississippi prior to the date of that election, Mrs. Gunasekara testified it wasn't until January of 2019 that she registered to vote in Mississippi.
12. On March 23, 2023, the trial court sent a letter to the parties informing them he had concluded that Mrs. Gunasekara did not meet the pertinent citizenship requirement and therefore was not qualified to be placed on the Republican primary ballot. (See letter attached to this Bill of Exceptions as Exhibit 1). In the letter, the trial court instructed the Petitioner, Mr. Barton, to prepare and present an order consistent with the contents of his letter.
13. On March 27, 2023, the trial court entered an order disqualifying Mrs. Gunasekara's candidacy.

Law and Argument

Pursuant to Miss. Code Ann. § 77-1-1 and the Mississippi Constitution, Art. 5 § 133, the relevant standard to run for Public Service Commissioner in Mississippi concerns citizenship. Under clearly established law, an individual is a citizen of that place where he or she establishes their domicile. Domicile is the residence where someone has the “bona fide intention of remaining . . . , if not permanently, at least indefinitely.” *Simmons v. Town of Goodman*, 346 So. 3d 847, 851 (Miss. 2022). While a person may have residences in multiple locations, he or she can be domiciled in, and therefore a citizen of, only one. *Hale v. State Democratic Executive Committee*, 168 So. 3d 946, 952 (Miss. 2015). New domiciles are established when there is a “clear indication of intent to abandon the existing domicile and to establish another.” *Aetna Cas. & Sur. Co. v. Williams*, 623 So. 2d 1005, 1009 (Miss. 1993).

In an election contest, the standard of review for questions of law is de novo. *Ladner v. Necaie*, 771 So. 2d 353, 355 (Miss. 2000). Findings of fact made by a trial judge sitting without a jury are reviewed for manifest error. *Boyd v. Tishomingo Co. Democratic Exec. Comm.*, 912 So. 2d 124, 128 (Miss. 2005).

I. The trial court improperly treated the act of voting as the determinative factor in deciding domicile.

The trial court’s March 23, 2023 letter to counsel announcing its decision (attached hereto as Exhibit 1) and the subsequent order and judgment make clear that the trial court treated Mrs. Gunasekara’s vote in the D.C. election on November 6, 2018, as the most determinative factor in the legal analysis for domicile. This constituted reversible error. While the Mississippi Supreme Court has certainly recognized the “exercise of political rights” as a factor in determining one’s domicile, it is only one factor of many. *Johnson v. Johnson*, 191 So. 2d 840, 842 (Miss. 1966). There is no authority for voting being more determinative than any other factor.

II. The trial court improperly failed to give adequate weight, if any weight, to Mrs. Gunasekara's declaration of intent.

Mrs. Gunasekara specifically testified that when they agreed to purchase the Mississippi property in August of 2018, she intended to abandon her D.C. residence in favor of the Mississippi residence as her permanent home. The Mississippi Supreme Court has stated: "The foundation of domicile is intent [and] intention may be established by physical presence, declaration of intent, and all relevant facts and circumstances *[but] the declarations of the party himself are most important.*" *Stubbs v. Stubbs*, 211 So. 2d 821, 825 (Miss. 1968) (emphasis added). To the extent the trial court even accounted for this testimony from Mrs. Gunasekara, it certainly did not give it the proper weight as required under Mississippi Supreme Court precedent.

III. The trial court overlooked or ignored uncontroverted evidence of Mrs. Gunasekara establishing her domicile in Mississippi prior to November 7, 2018.

The trial court's order acknowledges that in August of 2018 Mrs. Gunasekara agreed to purchase property in Decatur but then jumps ahead in time to January of 2019 when she registered to vote in Mississippi, as if nothing there was nothing in the record concerning events in the interim. As stated above, Mrs. Gunasekara testified: work on the property began in September of 2019; Mrs. Gunasekara personally oversaw the work on the property as it occurred; and, starting in at least October of 2018, Mrs. Gunasekara began commuting between Mississippi and D.C., living in her parents' home, adjacent to her new home, when she was in Mississippi and while the work was being done on the new property. These acts clearly establish Mrs. Gunasekara's intent to abandon D.C. and remain in Mississippi indefinitely, and it constituted reversible error for the trial court to ignore them. *See Hale*, 168 So. 3d at 952. ("[A]s a domicil[e] may be acquired by a longer or shorter residence, depending upon the circumstances of the case, its true basis and foundation must be the intention, the *quo animo* of evidence. *The apparent or avowed intention of*

residence, not the manner of it, constitutes domicil[e].” (emphasis added) (quoting *Hairston v. Hairston*, 27 Miss. 704, 719 (1854)).

IV. The trial court misapplied the legal standard for domicile in finding Mrs. Gunasekara was a D.C. citizen as of November 7, 2018.

As explained above, domicile is that place where one plans to remain indefinitely with no plans to leave. This is opposed to a mere residence, which “is a transient place of dwelling.” *Aetna Cas.*, 623 So. 2d at 1010. One can only have one domicile, and it is axiomatic that it cannot be a place that one has abandoned and/or is in the clear process of abandoning. That Mrs. Gunasekara cast a vote in a D.C. election did nothing to alter the fact that by that date she had: decided to abandon D.C. as her primary residence; agreed to purchase a home in Mississippi as her primary residence; and begun commuting back and forth between Mississippi and D.C. while work was being completed on her Mississippi residence. As of November 7, 2018, Mrs. Gunasekara’s D.C. property had become for her a mere residence, or “transient place of dwelling,” and, therefore, she could not have been domiciled in, or a citizen of, D.C. on that date.

V. The trial court’s ruling departed from the most factually analogous case decided by the Mississippi Supreme Court, the *Hale* decision from 2015.

Perhaps the most problematic aspect of the trial court’s ruling, however, is how it ignores and is inconsistent with the *Hale* case, a case the Mississippi Supreme Court decided in 2015 and which bears key similarities to the instant case. 168 So. 3d 946.

The *Hale* case involved a state senator from Benton County named Bill Stone. In 2012, the legislature redrew the senate lines and a large portion of Mr. Stone’s district in Marshall County was put in a new senate district. *Id.* at 948. Mr. Stone wanted to continue to represent that portion of his district, so he decided to move to Marshall County. *Id.* The first step he took to do so was rent a house in Marshall County that his brother owned with the eventual plan to purchase a home

in the county. *Id.* at 949. He started renting the house in October of 2013, but he spent little time there because his duties as a legislator required him to be in Jackson. *Id.* at 949 & 953.

Continuing into 2014, Mr. Stone took several steps showing he had indeed decided to relocate to Marshall County permanently, including registering his car tags in Marshall County, changing his voter registration from Benton County to Marshall County, and listing the address of his rental property on his 2014 tax return. *Id.* at 949. Eventually, in July of 2014, Mr. Stone purchased a home in Marshall County, although he kept the home he owned in Benton County with plans to eventually use it as a rental property. *Id.* When Mr. Stone was out of town, his wife sometimes slept at the house in Benton County and used it for various other purposes, and his grandchildren played there and used the pool. *Id.*

Stone's qualifications were eventually challenged by his primary opponent, Steve Hale. *Id.* at 950. Mr. Hale alleged Mr. Stone had not been domiciled in the new district for the requisite two years prior to the November 2015 election, *i.e.*, since November of 2013. *Id.*

The Mississippi Supreme Court affirmed the trial court's rejection of Mr. Hale's challenge, finding Mr. Stone had established his domicile in Marshall County before the relevant time period. In so doing, the Court relied on: (1) Mr. Stone's testimony that he intended to abandon his Benton County home and establish a permanent residence in Marshall County; (2) Mr. Stone's rental of a house in Marshall County for that purpose, which occurred a month before the relevant time period began; and (3) events occurring within the relevant time period demonstrating that when Mr. Stone rented the property in Marshall County he intended to relocate to the County indefinitely. *Id.* at 951-953.

Like Mr. Stone, Mrs. Gunasekara chose to permanently abandon a former jurisdiction in favor of a new one by acquiring property in the new one, with subsequent events—before and after

November 7, 2018—confirming she intended for her new residence to be permanent. Like Mr. Stone, Mrs. Gunasekara continued to maintain her former residence, even during the relevant time period, but not as her permanent home. And like Mr. Stone, that Mrs. Gunasekara remained registered to vote in the jurisdiction of her former residence for a brief time inside the relevant time period does *not* overcome her having already abandoned that location as her permanent residence in favor of another.

The trial court here failed to follow the very clear precedent set forth in *Hale* and should be reversed as a result.

VI. The trial court's interpretation of the five-year citizenship requirement violates the Fourteenth Amendment of the United States Constitution.

Because residency rules for public office affect fundamental rights, such as the rights to vote and move freely between states, federal and state courts test such rules under strict constitutional scrutiny. *E.g.*, *Wellford v. Battaglia*, 485 F.2d 1151 (3d Cir. 1973). When applied more broadly than their policy justifications require, such residency rules have been struck down. *E.g.*, *Robertson v. Bartels*, 890 F. Supp. 2d 519 (D.N.J. 2012). Here, given Mrs. Gunasekara's extensive history in Mississippi, and only being away from it solely to work in Article I and Article II branches of the federal government in the Constitutional seat of the federal government, the trial court's application of the five-year citizenship requirement to disqualify her candidacy fails strict constitutional scrutiny. This is especially true considering that the trial court effectively found that but for a mere two months at the beginning of the five-year term, Mrs. Gunasekara satisfied the durational requirement. Accordingly, the trial court's decision should be reversed as being in violation of the U.S. Constitution.

Conclusion

For all the reasons stated above, it is respectfully submitted that the trial court's decision should be reversed as it was incorrect as a matter of law and against the overwhelming weight of the evidence.

Respectfully submitted, this the 30th day of March, 2023.

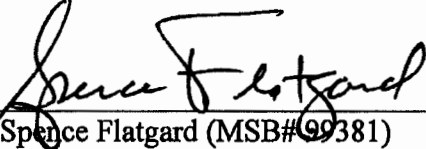
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CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2023, I served a true and correct copy of the foregoing document using the MEC system, which gave notice to the following counsel of record:

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Attorneys for Co-Respondents

THIS, the 30th day of March, 2023.

/s/ Spencer M. Ritchie
SPENCER M. RITCHIE



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March 23, 2023

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**RE: Barton vs. MSGOP, et al; First Judicial District of Hinds County, Mississippi
Cause No. 23-0129**

Counsel,

After hearing the testimony of both witnesses called by the Respondent, reviewing the exhibits and documentary evidence introduced and hearing from all parties at the hearing hereon, the Court has reached a conclusion with respect to this matter.

First, Amanda Gunasekara appeared, without doubt, to be an extremely talented and brilliant public servant who would certainly be an asset to the people she has and will continue to serve in whatever capacity. She seeks to place her name on the ballot of the Republican Primary for Public Service Commissioner of the Northern District of Mississippi. In order to qualify as a candidate, she must be a citizen of the State of Mississippi five years next preceding the day of her election. Miss. Const. Art. 5, §133. Therefore, to be qualified to run for the Public Service Commissioner this election year, one must be, in pertinent part, a "citizen" of Mississippi since at least November 7, 2018.

The fact that the Respondent is now a citizen of the State of Mississippi and without doubt resides in the Northern District of Mississippi is not questioned herein. However, inasmuch as she must have been a citizen of this state for five years next preceding the election in which she seeks to qualify as a candidate, the question that must be answered by this Court is where was her citizenship on November 7, 2018.

The evidence is clear that the Respondent established residency and citizenship in Washington, D.C., at some point in time prior to November 7, 2018. Also, the evidence is equally clear that she determined, at some time prior to November 7, 2018, that she and her family would at some point return to the State of Mississippi and again establish citizenship. What is not clear is at what point did she establish that residency in this state.

lamar@thepickardlawfirm.com

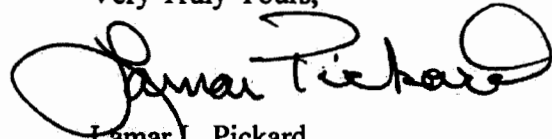
The Respondent jointly with her parents purchased real property in August 2018, with the intention of returning to Mississippi. Respondent, in fact, did return to Mississippi in the spring of 2019, at which time there would be little question as to her citizenship.

The determination of one's citizenship must be determined by the persons intent and her actions which demonstrate that intent. This Court must examine all of the evidence in order to ascertain the Respondent's intent as to her citizenship on November 7, 2018. There can be little argument that the display of one's citizenship is clearly indicated by casting a ballot. It is admitted by the Respondent that she voted in Washington, D.C. on November 6, 2018, clearly expressing her declaration of citizenship in Washington, D.C. at that time. There is nothing in the evidence that indicates any change in that intent in the following 24-hour period, which would be necessary in order to establish citizenship in the State of Mississippi on November 7, 2018.

There is a plethora of evidence supporting Respondent's Washington, D.C. citizenship on November 7, 2018. It is clear that Respondent did, in fact, relocate and change her citizenship to the State of Mississippi at some point shortly after November 7, 2018. However, that had not occurred on November 7, 2018. Even if this Court found all of that evidence successfully rebutted, which the Court expressly does not do, when all of the evidence is considered as a whole, it is clear, and the Court so finds, that the Respondent was a citizen of Washington, D.C. on November 7, 2018. Accordingly, Respondent fails to meet the requirements under Mississippi law to be placed on the ballot of the Republican Primary at this time.

The Petitioner should present an order to the Court consistent with the contents hereof for the Court's review.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Lamar L. Pickard", written over a horizontal line.

Lamar L. Pickard
Special Circuit Judge

LP/em

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI

MATTHEW BARTON

PETITIONER

VS.

CAUSE NO. 23-129

**MISSISSIPPI REPUBLICAN EXECUTIVE
COMMITTEE, FRANK BORDEAUX, CHAIRMAN
AND AMANDA GUNASEKARA**

RESPONDENTS

ORDER

THIS DAY, there came on to be heard and was heard the Petition to Contest Candidate Qualifications and the Court having considered the evidence finds, as follows:

(1)

That the Petitioner filed a Petition to Contest Candidate Qualifications on February 24, 2023 seeking a judicial review of the candidacy of Amanda Gunasekara for the position of Public Service Commission for the Northern District of Mississippi.

(2)

That pursuant to Miss. Code §23-15-961, the Mississippi Supreme Court appointed the undersigned as a Special Judge to hear the case on an expedited basis and that a hearing was conducted at the Hinds County Courthouse in Jackson, Mississippi on March 22, 2023.

(3)

That Miss. Code §77-1-1 provides that Public Service Commissioners “shall each possess the qualifications prescribed for the Secretary of State.” Article 5, §133 of the Mississippi Constitution includes a requirement that the candidate must be “a citizen of the state five years next preceding the day of his election. . .”

(4)

That Article 3, §8 defines a citizen as someone who is a “resident in this state.” Further, that “Residency under Mississippi election law is based on a person’s domicile.” *Hall v. State*, 168 So.3d 946, 951 (Miss. 2015). Therefore, in order for the candidate to meet the five year citizenship requirement, the candidate must have been a resident of Mississippi on November 7, 2018, the date that is at least five years prior to the November, 2023 general election.

(5)

The testimony of the Respondent and other documentary evidence established that she moved to the District of Columbia in 2010, bought a house there in 2014, registered to vote, obtained a driver’s license and established a homestead. Therefore, the court finds that the Respondent established her residency and citizenship in the District of Columbia at some point prior to November 7, 2018.

(6)

The evidence is clear that in 2018, the Respondent and her family determined that they would relocated to Mississippi and that in August, 2018 the Respondent and her parents acquired a house in Decatur, Mississippi with the intention of returning to Mississippi. Further, that by the spring of 2019, the Respondent had resigned her job in the District of Columbia, registered to vote in Mississippi and had become a Mississippi resident.

(7)

That the core question before the court is when did the Respondent abandone her residency in the District of Columbia and become a resident of Mississippi. Specifically, was the Respondent a resident of Mississippi on November 7, 2018 when her five year period of residency began?

In Mississippi, residence and domicile are synonymous for election purposes. *Hinds County Election Comm'n v. Brinston*, 671 So.2d 667, 668 (Miss.1996). A person's domicile in election matters has been defined as the place: where he has his true, fixed, permanent home and principal establishment, and to which whenever he is absent, he has the intention of returning . . . A domicile continues until another is acquired; before a domicile can be considered lost or changed, a new domicile must be acquired by removal to a new locality with intent to remain there, and the old domicile must be abandoned without intent to return thereto. *Smith v. Deere*, 195 Miss. 502, 505-06, 16 So.2d 33, 34 (1943)(internal citations omitted).

As cited in *Garner v. Democratic Executive Committee*, 956 So.2d. 906, 909 (Miss. 2007)

(8)

That evidence clearly shows that despite her plan to return to Mississippi, the Respondent continued to maintain her residency in the District of Columbia including exercising her right to vote there on November 6, 2018. The Court finds that this vote clearly expressed her declaration of her continued citizenship in the District of Columbia at that time.

(9)

That there is nothing in the evidence that indicates any change in that intent in the following 24-hour period that would have been necessary in order to establish citizenship in the State of Mississippi on November 7, 2018. To the contrary, the evidence clearly established that the Respondent was, in fact, a resident citizen of the District of Columbia on that day.

(10)

There is a plethora of evidence supporting the Respondent's citizenship in the District of Columbia on November 7, 2018. It is clear that the Respondent did, in fact, relocate and change her citizenship to the State of Mississippi at some point shortly after November 7, 2018. However, that had not occurred on November 7, 2018. Even if this Court found all of that

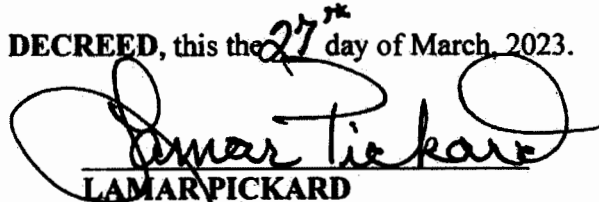
evidence successfully rebutted, which the Court expressly does not do, when all of the evidence is considered as a whole, it is clear and the Court so finds, that the Respondent was a citizen of the District of Columbia on November 7, 2018.

(11)

That the Respondent does not meet the minimum qualifications under the Mississippi Constitution and Mississippi Code to be a candidate for the Mississippi Public Service Commission for the Northern District of Mississippi for the November, 2023 election.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Amanda Gunasekara is hereby disqualified as a candidate in the Republican primary for Public Service Commission for the Northern District of Mississippi. Further, that the Clerk of the Court shall forward a certified copy of this order to the Mississippi Secretary of State.

SO, ORDERED, ADJUDGED AND DECREED, this the ^{27th} day of March, 2023.


LAMAR PICKARD
SPECIAL CIRCUIT JUDGE

Case: 25CI1:23-cv-00129
FORMAN WATKINS & KRUTZ LLP
 ATTORNEYS AT LAW
 P.O. BOX 22608
 Jackson, MS 39225

Document #: 26 Filed: 03/30/2023

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 03/30/2023

First Commercial Bank
 P.O. Box 12868
 Jackson, MS 39236

Three Hundred and 00/100 Dollar(s)

Amount
\$300.00

PAY TO THE ORDER:
 Clerk, Hinds County Circuit Court
 407 E. Pascagoula Street
 Jackson, MS 39201

VOID AFTER 90 DAYS
 TWO SIGNATURES REQUIRED OVER \$1000


 Authorized Signature

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01980-6

Clerk, Hinds County
 Circuit Court

03/30/2023

309575

\$300.00

Invoice Number
 032923

Invoice Date
 03/29/2023

Description
 Filing Fee - Gunasekara Cost Bond

Amount
 300.00