

**ORDINANCE ESTABLISHING SEVEN WARDS**

WHEREAS, the population for the City of Canton, Mississippi is 13,189 persons according to the 2010 federal decennial census; and

WHEREAS, the City of Canton, Mississippi is a Code Charter Municipality organized under the provisions of Section 21-3-1, et. seq., Miss. Code Annotated (1972), and

WHEREAS, the City of Canton, Mississippi is governed by a Mayor and seven member Board of Aldermen with six Aldermen elected from single-member wards and the Mayor and one Alderman elected at-large; and

WHEREAS, the current total deviation of population of the apportionment scheme for members of the Board of Aldermen for the City of Canton, Mississippi is 2,152 persons, or 97.91%; and

WHEREAS, the current total population deviation for aldermanic districts in the City of Canton, Mississippi violates the one-person, one-vote principle of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; and

WHEREAS, the population of white citizens in the City of Canton, Mississippi, according to the 2010 federal decennial census is 2,572 persons, or 19.5%; and

WHEREAS, the population of black citizens in the City of Canton, Mississippi, according to the 2010 federal decennial census is 9,852 persons, or 74.7%; and

WHEREAS, some citizens and civil rights organizations in the City of Canton, Mississippi have threatened to file a federal voting rights claim against the City of Canton, Mississippi on grounds that the Alderman at-large position violates Section 2 of the Voting Rights Act of 1965, as amended, 42 U. S. C. Section 1973; and

WHEREAS, the Mayor and Board of Aldermen for the City of Canton, Mississippi have

determined that the existing wards are unconstitutionally malapportioned and adopted the following criteria for redistricting: (1) compliance with the one-person, one-vote principle of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; (2) drawing wards without race as a predominant purpose in compliance with the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment to the United States Constitution; (3) drawing wards that are not retrogressive in minority voting strength; (4) drawing wards in such a manner that do not result in dilution of minority voting strength; (5) drawing compact wards of contiguous territory; (6) preserving communities of interest; (7) following natural boundaries where possible; (8) avoid splitting census blocs and precincts where possible; and (9) avoid pitting incumbents against each other; and

WHEREAS, a three-judge court in the United States District Court for the Northern District of Mississippi held in *Stewart v. Waller*, 404 F. Supp. 206 (N. D. Miss. 1975) (three-judge court)(per curiam) on July 14, 1975 and October 21, 1975 that the 1962 amendment to Section 21-3-1, et. seq., Miss. Code Annotated (1972), requiring all aldermen in Code Charter Municipalities to be elected at large to violate the rights secured to black citizens of those Municipalities by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and the Fifteenth Amendment to the United States Constitution; and

WHEREAS, the United States District Court for the Southern District of Mississippi held in *Canton Branch of the N. A. A. C. P. v. City of Canton, Mississippi*, 472 F. Supp. 859 (S. D. Miss. 1979) on September 25, 1978 and March 5, 1979 that the NAACP failed to prove by a preponderance of the evidence that the one Alderman at-large position in the City of Canton, Mississippi unlawfully violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and the Fifteenth Amendment to the United States Constitution; and

WHEREAS, the United States District Court for the Southern District of Mississippi held in *Canton Branch of the N. A. A. C. P. v. City of Canton, Mississippi*, 472 F. Supp. 859 (S. D. Miss. 1979) on September 25, 1978 and March 5, 1979 that the relevant factors to be considered in determining whether an Alderman at-large position in the City of Canton, Mississippi unlawfully violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and the Fifteenth Amendment to the United States Constitution include (1) access to the political process such as slating candidates; (2) responsiveness of elected officials to the particularized needs of black citizens; (3) a determination that the state policy for maintaining an at-large Alderman position is tenuous; (4) past discrimination that has precluded blacks from participating in the political process; (5) the size of the district; (6) whether there is a majority vote requirement; (7) anti-single shot voting provisions; and (8) whether there is a district residency requirement; and

WHEREAS, the United States Supreme Court held in 1986 in *Thornburg v. Gingles*, 478 U. S. 30 (1986) that a plaintiff may prove that an at-large election scheme violates Section 2 of the Voting Rights Act of 1965, as amended, 42 U. S. C. Section 1973, by proving a prima facie case of discrimination and that the scheme is discriminatory under the totality of the circumstances, and in proving a prima facie claim a plaintiff must prove by a preponderance of the evidence that a minority group is geographically large and insular such that a majority minority district could be drawn, the minority voters are politically cohesive, and white bloc voting is statistically significant; and

WHEREAS, the United States Supreme Court held in 1986 in *Thornburg v. Gingles*, 478 U. S. 30 (1986) that a plaintiff may prove that an at-large election scheme violates Section 2 of the Voting Rights Act of 1965, as amended, 42 U. S. C. Section 1973, under the totality of the

circumstances by proving a prima facie case and other factors such as those announced by the United States District Court for the Southern District of Mississippi in *Canton Branch of the N. A. A. C. P. v. City of Canton, Mississippi*, 472 F. Supp. 859 (S. D. Miss. 1979); and

WHEREAS, as the United States Court of Appeals held in 1998 in *Citizens for Good Government v. City of Quitman, Mississippi*, 148 F. 3d 472 (5th Cir. 1998), there is no rationale to show why compliance with Mississippi law would better serve the values of fair representation and political access in light of the structure and function of the Board of Aldermen, the duties that Aldermen are elected to perform, and the interest each Aldermen is elected to represent; and

WHEREAS, the Mayor and Board of Aldermen have conducted a public hearing on the issue and criteria for redistricting as well as proposed plans and considered comments and evidence submitted by members of the public at large in discharging their duties in devising a redistricting plan; and

WHEREAS, the Mayor and Board of Aldermen find, based on comments and evidence received at the public hearing and from members of the public at-large, the following factors exist: (1) the black population in the City of Canton, Mississippi is geographically large and insular such that six black majority wards could be drawn if the Alderman at-large position is eliminated; (2) black voters in the City of Canton, Mississippi are politically cohesive; (3) white bloc voting in the City of Canton, Mississippi is statistically significant; (4) there is a history of denial of access to the political process by such methods as slating of candidates; (5) there is history of a lack of responsiveness of white elected officials to the particularized needs of black citizens; (6) the state policy for maintaining an at-large Alderman position for the City of Canton, Mississippi is tenuous; (7) there is a history of official discrimination against black

citizens by officials in the City of Canton that has precluded blacks from participating in the political process; (8) the at-large district covers the entire Municipality and is unduly large when compared to the wards; (9) there is a majority vote requirement for party nomination; (10) the at-large Alderman position is an anti-single shot voting provision; and (11) under the totality of the circumstances the at-large Alderman position in the City of Canton, Mississippi unlawfully discriminates against black citizens in violation of Section 2 of the Voting Rights Act of 1965, as amended, 42 U. S. C. Section 1973.

**NOW, THEREFORE, BE IT RESOLVED AND ORDAINED** by the Mayor and Board of Aldermen for the City of Canton, Mississippi, that voters in the City of Canton, Mississippi shall elect seven Aldermen from wards or single-member districts.

**IT IS, THEREFORE, ORDERED AND ORDAINED** that the seven wards for the City of Canton, Mississippi, shall comprise the territory as designated below:

**WARD 1:**

The region bounded and described as follows: Beginning at the point of intersection of N Liberty St and Yandell Ave, and proceeding northerly along N liberty St to N Gate Dr, and proceeding easterly along N Gate Dr to Unnamed P0001, and proceeding southerly along Unnamed P0001 to James Ave, and proceeding easterly along James Ave to Church St, and proceeding southerly along Church St to Unnamed P0001, and proceeding easterly along Unnamed P0001 to Commerce Ave, and proceeding northerly along Commerce Ave to Unnamed P0001, and proceeding northerly along Unnamed P0001 to Tilda Bogue, and proceeding easterly along Tilda Bogue to Unnamed P0001, and proceeding easterly along Unnamed P0001 to Avondale Rd, and proceeding westerly along State Hwy 15 to E Peace St, and proceeding westerly along E Peace St to Old Sharon Rd, and proceeding northerly along Old Sharon Rd to Commerce Ave, and

proceeding westerly along Commerce Ave to Covington Dr, and proceeding westerly along Covington Dr to Cisne Ave, and proceeding southerly along Cisne Ave to E Peace St, and proceeding westerly along E Peace St to N Adams St, and proceeding northerly along N Adams St to E Center Street, and proceeding westerly along E Center St to Dobson Ave, and proceeding northerly along Dobson Ave to Yandell Ave, and proceeding westerly along Yandell Ave to the point of beginning.

**WARD 2:**

The region bounded and described as follows: Beginning at the point of intersection of E Academy St and Lyon St, and proceeding easterly along E Academy St to S Adams St, and proceeding northerly along S Adams St to E Peace St, and proceeding easterly along E Peace St to Cisne Ave, and proceeding northerly along Cisne Ave to Covington Dr, and proceeding easterly along Covington Dr to Commerce Ave, and proceeding easterly along Commerce Ave to Old Sharon Rd, and proceeding southerly along Old Sharon Rd to E Peace St, and proceeding easterly along E Peace St to Country Club Rd, and proceeding southerly along Country Club Rd to Sunset Dr, and proceeding westerly along Sunset Dr to Fox Ln, and proceeding southerly along Fox Ln to Sunset Dr, and proceeding westerly along Sunset Dr to Unnamed L4020, and proceeding southerly along Unnamed L4020 to Unnamed P0001, and proceeding westerly along Unnamed P0001 to Unnamed S1400, and proceeding westerly along Unnamed S1400 to Unnamed H3010, and proceeding westerly along Unnamed H3010 to State Hwy 43, and proceeding northerly along State Hwy 43 to E Dinkins St, and proceeding westerly along E Dinkins St to the point of beginning.

**WARD 3:**

The region bounded and described as follows: Beginning at the point of intersection of S Liberty

St and Unnamed P0001, and proceeding northerly along S Liberty St to E Dinkins St, and proceeding easterly along E Dinkins St to State Hwy 43, and proceeding southerly along State Hwy 43 to Unnamed S1400, and proceeding easterly along Unnamed S1400 to Unnamed P0001, and proceeding easterly along Unnamed P0001 to Unnamed L4020, and proceeding northerly along Unnamed L4020 to Sunset Dr, and proceeding easterly along Sunset Dr to Fox Ln, and proceeding northerly along Fox Ln to Sunset Dr., and proceeding easterly along Sunset Dr to Country Club Rd, and proceeding northerly along Country Club Rd to E Peace St, and proceeding easterly along E Peace St to State Hwy 15, and proceeding easterly along State Hwy 15 to Avondale Rd, and proceeding easterly along Avondale Rd to Unnamed P0001, and proceeding southerly along Unnamed P0001 to Unnamed H3010, and proceeding westerly along Unnamed H3010 to Unnamed P0001, and proceeding southerly along Unnamed P0001 to State Hwy 43, and proceeding southerly along State Hwy 43 to Unnamed P0001, and proceeding westerly along Unnamed P0001 to Unnamed H3010, and proceeding westerly along Unnamed H3010 to Unnamed P0001, and proceeding westerly along Unnamed P0001 to Unnamed H3010, and proceeding westerly along Unnamed H3010 to Unnamed P0001, and proceeding westerly along Unnamed P0001 to Unnamed H3010, and proceeding westerly along Unnamed H3010 to Unnamed P0001, and proceeding westerly along Unnamed P0001 to Unnamed H3010, and proceeding westerly along Unnamed H3010 to Unnamed P0001, and proceeding westerly along Unnamed P0001 to the point of beginning.

**WARD 4:**

The region bounded and described as follows: Beginning at the point of intersection of Stout Rd and Unnamed P0001, and proceeding easterly along Stout Rd to Unnamed P0001, and proceeding northerly along Unnamed P0001 to Old Jackson Rd, and proceeding southerly along Old Jackson Rd to Unnamed P0001, and proceeding northerly along Unnamed P0001 to Old

Jackson Rd, and proceeding northerly along Old Jackson Rd to Unnamed P0001, and proceeding northerly along Unnamed P0001 to Old Jackson Rd, and proceeding northerly along Old Jackson Rd to Unnamed P0001, and proceeding northerly along Unnamed P0001 to State Hwy 22, and proceeding northerly along State Hwy 22 to Unnamed P0001, and proceeding northerly along Unnamed P0001 to Unnamed H3010, and proceeding northerly along Unnamed H3010 to Unnamed P0001, and proceeding easterly along Unnamed P0001 to I-55, and proceeding northerly along I-55 to Unnamed P0002, and proceeding northerly along Unnamed P0002 to I-55, and proceeding northerly along I-55 to Unnamed P0001, and proceeding easterly along Unnamed P0001 to I-55, and proceeding northerly along I-55 to Unnamed H3010, and proceeding easterly along Unnamed H3010 to Unnamed P0001, and proceeding easterly along Unnamed P0001 to Brookville Rd, and proceeding easterly along Brookville Rd to Lutz Ave, and proceeding easterly along Lutz Ave to King Ranch Rd, and proceeding southerly along King Ranch Rd to W Peace St, and proceeding easterly along W Peace St to Harvey Watkins Dr S, and proceeding southerly along Harvey Watkins Dr S to W Fulton St, and proceeding easterly along W Fulton St to Kennedy St, and proceeding southerly along Kennedy St to W Academy St, and proceeding easterly along W Academy St to Unnamed S1400, and proceeding northerly along Unnamed S 1400 to W Fulton St, and proceeding easterly along W Fulton St to Unnamed R1011, and proceeding southerly along Unnamed R1011 to Unnamed P0001, and proceeding westerly along Unnamed P0001 to Unnamed H3010, and proceeding westerly along Unnamed H3010 to Unnamed P0001, and proceeding northerly along Unnamed P0001 to W Dinkins St, and proceeding westerly along W Dinkins St to Westside Dr, and proceeding northerly along Westside Dr to Circus St, and proceeding easterly along Circus St to Unnamed P0001, and proceeding northerly along Unnamed P0001 to Bear Crk, and proceeding southerly along Bear



Crk to Unnamed P0001, and proceeding southerly along Unnamed P0001 to Unnamed R1011, and proceeding southerly along Unnamed R1011 to Unnamed P0001, and proceeding westerly along Unnamed P0001 to Old Jackson Rd, and proceeding northerly along Old Jackson Rd to Unnamed P0001, and proceeding easterly along Unnamed P0001 to Unnamed P0002, and proceeding northerly along Unnamed P0002 to Unnamed P0001, and proceeding northerly along Unnamed P0001 to Church Rd, and proceeding westerly along Church Rd to Unnamed P0001, and proceeding northerly along Unnamed P0001 to Unnamed S1400, and proceeding northerly along Unnamed S 1400 to Unnamed P0001, and proceeding westerly along Unnamed P0001 to the point of beginning

**WARD 5:**

The region bounded and described as follows: Beginning at the point of intersection of King Ranch Rd and W Peace St, and proceeding northerly along King Ranch Rd to Unnamed P0001, and proceeding easterly along Unnamed P0001 to Holmes Ave, and proceeding easterly along Unnamed P0001 to Holmes Ave, and proceeding easterly along Holmes Ave to Mace St, and proceeding southerly along Mace St to Adeline St, and proceeding easterly along Adeline St to Martin Luther King Dr S, and proceeding southerly along Martin Luther King Dr S to Lutz Ave, and proceeding westerly along Lutz Ave to N West St, and proceeding southerly along N West St to W Peace St, and proceeding easterly along W Peace St to Walnut St, and proceeding southerly along Walnut St to S Walnut St, and proceeding southerly along S Walnut St to W Academy St, and proceeding westerly along W Academy St to Kennedy St, and proceeding northerly along Kennedy St to W Fulton St, and proceeding westerly along W Fulton St to Harvey Watkins Dr S, and proceeding northerly along Harvey Watkins Dr S to W Peace St, and proceeding westerly along W Peace St to the point of beginning.

**WARD 6:**

The region bounded and described as follows: Beginning at the point of intersection of Unnamed P0001 and Holmes Ave, and proceeding northerly along Unnamed P0001 to Mace St, and proceeding easterly along Mace St to Unnamed P0001, and proceeding northerly along Unnamed P0001 to N Railroad St, and proceeding southerly along N Railroad St to Martin Luther King Dr N, and proceeding easterly along Martin Luther King Dr N to N Union St Exd, and proceeding southerly along N Union St Exd to Yandell Ave, and proceeding easterly along Yandell Ave to N Union St Exd, and proceeding southerly along N Union St Exd to N Union St, and proceeding southerly along N Union St to S Union St, and proceeding southerly along S Union St to Lee St, and proceeding westerly along Lee St to Cameron St, and proceeding southerly along Cameron St to W Dinkins St, and proceeding westerly along W Dinkins St to Unnamed R1011, and proceeding northerly along Unnamed R1011 to W Fulton St, and proceeding westerly along W Fulton St to Unnamed S1400, and proceeding southerly along Unnamed S1400 to W Academy St, and proceeding westerly along W Academy St to S Walnut St, and proceeding northerly along S Walnut St to Walnut St, and proceeding northerly along Walnut St to W Peace St, and proceeding westerly along W Peace St to N West St, and proceeding northerly along N West St to Lutz Ave, and proceeding easterly along Lutz Ave to Martin Luther King Dr S, and proceeding northerly along Martin Luther King Dr S to Adeline St, and proceeding westerly along Adeline St to Mace St, and proceeding northerly along Mace St to Holmes Ave, and proceeding westerly along Holmes Ave to the point of beginning.

**WARD 7:**

The Region bounded and described as follows: Beginning at the point of intersection of

Unnamed R1011 and Unnamed P0001, and proceeding northerly along Unnamed R1011 to W Dinkins St, and proceeding easterly along W Dinkins St to Cameron St, and proceeding northerly along Cameron St to Lee St, and proceeding easterly along Lee St to S Union St, and proceeding northerly along S Union St to N Union St, and proceeding northerly along N Union St to N Union St Exd, and proceeding northerly along N Union St Exd to Yandell Ave, and proceeding westerly along Yandell Ave to N Union St Exd, and proceeding northerly along N Union St Exd to Martin Luther King Dr N, and proceeding westerly along Martin Luther King Dr N to N Railroad St, and proceeding northerly along N Railroad St to Unnamed P0001, and proceeding easterly along Unnamed P0001 to Unnamed R1011, and proceeding northerly along Unnamed R1011 to Unnamed P0001, and proceeding easterly along Unnamed P001 to Fores Rd, and proceeding easterly along Fores Rd to Unnamed P0001, and proceeding northerly along Unnamed P0001 to Green Acres Rd, and proceeding westerly along Green Acres Rd to Green Acres Dr, and proceeding westerly along Green Acres Dr to Unnamed P0001, and proceeding northerly along Unnamed P0001 to McBride Rd, and proceeding easterly along McBride Rd to Unnamed P0001, and proceeding easterly along Unnamed P0001 to US Hwy 51, and proceeding southerly along US Highway 51 to Unnamed P0001, and proceeding easterly along Unnamed P0001 to Morgan Rd, and proceeding easterly along Morgan Rd to Unnamed P0001, and proceeding southerly along Unnamed P0001 to Finney Rd, and proceeding westerly along Finney Rd to Unnamed P0001, and proceeding westerly along Unnamed P0001 to Unnamed S1400, and proceeding southerly along Unnamed S1400 to James Ave, and proceeding westerly along James Ave to Unnamed P0001, and proceeding northerly along Unnamed P0001 to N Gate Dr, and proceeding westerly along N Gate Dr to N Liberty St, and proceeding southerly along N Liberty St to Yandell Ave, and proceeding easterly along Yandell Ave to Dobson Ave, and

proceeding southerly along Dobson Ave to E Center St, and proceeding easterly along E Center St to N Adams St, and proceeding southerly along N Adams St to S Adams St, and proceeding southerly along S Adams St to E Academy St, and proceeding westerly along E Academy St to Lyon St, and proceeding southerly along Lyon St to E Dinkins St, and proceeding westerly along E Dinkins St to S Liberty St, and proceeding southerly along S Liberty St to Unnamed P0001, and proceeding westerly along Unnamed P0001 to the point of beginning.

**IT IS, FURTHER, RESOLVED, ORDERED, AND ORDAINED** that this Ordinance shall become effective from and after the date the Ordinance is precleared pursuant to the provisions of Section 5 of the Voting Rights Act of 1965, as amended and extended, 42 U. S. C. Section 1973c.

**IT IS, FURTHER, RESOLVED, ORDERED, AND ORDAINED** that the City Attorney and Counsel specially retained for redistricting shall immediately submit this Ordinance to the United States Attorney General for preclearance.

THIS the 7<sup>th</sup> day of February, 2012.

s/William Truly, Jr., M.D.  
MAYOR

ATTEST:

s/Valerie Smith  
CITY CLERK