

CV-24-492

IN THE ARKANSAS SUPREME COURT

**JENNIFER MCGILL, individually and
on behalf of the ARKANSAS CANVASSING
COMPLIANCE COMMITTEE; and
CHEROKEE NATION ENTERTAINMENT, LLC** **PETITIONERS**

V.

**JOHN THURSTON, in his capacity as
ARKANSAS SECRETARY OF STATE** **RESPONDENT**

**LOCAL VOTERS IN CHARGE, a ballot question
committee; and JIM KNIGHT, individually
and on behalf of LOCAL VOTERS IN CHARGE** **INTERVENORS**

**INTERVENORS' RESPONSE IN OPPOSITION TO PETITIONERS'
AMENDED ORIGINAL ACTION PETITION**

Come now Intervenors, Local Voters in Charge, a ballot question committee, and Jim Knight, individually and on behalf of Local Voters in Charge, by and through their undersigned counsel, and for their Response in Opposition to the Intervenors' Amended Original Action Petition, state as follows:

1. Intervenors state that Amendment 100 speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 1 are denied.

2. Intervenors admit the allegations in paragraph 2.
3. Intervenors state that paragraph 3 contains a legal conclusion, to which no response is required. To the extent a response is required, Intervenors state that the Proposed Amendment speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 3 are denied.
4. Intervenors admit the allegations in paragraph 4.
5. Intervenors admit that Local Voters in Charge is a registered ballot question committee and that it sponsored the Initiative Petition. As worded, Intervenors deny the remaining allegations in paragraph 5.
6. As worded, Intervenors deny the allegations in paragraph 6.
7. As worded, Intervenors deny the allegations in paragraph 7.
8. Intervenors deny the allegations in paragraph 8.
9. Intervenors acknowledge that Petitioners are challenging the Respondent's certification but deny that the certification is invalid.
10. Intervenors deny the allegations in paragraph 10.
11. Intervenors deny the allegations in paragraph 11.
12. Intervenors deny the allegations in paragraph 12.
13. Intervenors are without sufficient knowledge or information to either admit or deny the allegations in paragraph 13; therefore, the allegations are denied.

14. Intervenors are without sufficient knowledge or information to either admit or deny the allegations in paragraph 14; therefore, the allegations are denied.

15. Intervenors are without sufficient knowledge or information to either admit or deny the allegations in paragraph 15; therefore, the allegations are denied.

16. Intervenors admit the allegations in paragraph 16.

17. Intervenors admit that LVC is a ballot question committee. Intervenors also admit that LVC is a sponsor of the Initiative Petition. Any remaining allegations in paragraph 17 are denied.

18. Intervenors admit the allegations in paragraph 18.

19. Intervenors admit the allegations in paragraph 19.

20. Intervenors state that Arkansas Supreme Court Rule 6-5 speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 20 are denied.

21. Intervenors adopt and incorporate their responses to paragraphs 1 through 20 in their entirety.

22. Intervenors state that Amendment 7 and Ark. Code. Ann. § 7-9-126(e) speak for themselves and deny any allegations inconsistent therewith. Intervenors further state that Respondent verified no less than 116,200 signatures. Any remaining allegations in paragraph 22 are denied.

23. Intervenors admit the allegations in paragraph 23.

24. Intervenors admit the allegations in paragraph 45 that it contracted with PCI Consultants and that PCI Consultants retained Florida Petition Management to help manage paid canvassers. Intervenors also admit that Philip Dewey worked for Florida Petition Management and that Berta Erickson, through her company Engage the Voter, was retained by Florida Petition Management to help with their efforts to manage paid canvassers in Arkansas. Any remaining allegations in paragraph 24 are denied.

25. Intervenors admit that PCI also retained Stephanie Marcynyszyn through her company Cape Campaigns, Inc. to help manage paid canvassers in various areas in Arkansas, including Fort Smith and Northeast Arkansas. Any remaining allegations in paragraph 25 and footnote 1 are denied.

26. Intervenors deny the allegations in paragraph 26 as written. Intervenors paid PCI who then paid Florida Petition Management and Cape Campaigns.

27. Intervenors deny the allegations in paragraph 27.

28. Intervenors deny the allegations in paragraph 28.

29. Intervenors adopt and incorporate their responses to paragraphs 1 through 28 in their entirety.

30. Intervenors state that that the affidavits referenced as Exhibits G and H speak for themselves and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 30 are denied.

31. Intervenors deny the allegations in paragraph 31.

32. Intervenors deny the allegations in paragraph 32.

33. Intervenors deny the allegations in paragraph 33.

34. Intervenors adopt and incorporate their responses to paragraphs 1 through 33 in their entirety.

35. Intervenors state that Ark. Code Ann. § 7-9-601(a) speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 35 are denied.

36. Intervenors state that paragraph 30 purports to state a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors state that Ark. Code Ann. § 7-9-601(c) speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 36 are denied.

37. Intervenors deny the allegations in paragraph 37.

38. As worded, Intervenors deny the allegations in paragraph 38.

39. Intervenors deny the allegations in paragraph 39.

40. Intervenors state that Arkansas Attorney General Op. No. 2024-053 speaks for itself. Intervenors further state that Opinion No. 2024-053 is not binding precedent, and it is the Court's duty to decide what a statute means. Any remaining allegations in paragraph 40 are denied.

41. Intervenors deny the allegations in paragraph 41.

42. Intervenors deny the allegations in paragraph 42.

43. Intervenors adopt and incorporate their responses to paragraphs 1 through 42 in their entirety.

44. Intervenors state that Ark. Code Ann. § 7-9-601(b)(3) speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 44 are denied.

45. Intervenors deny the allegations in paragraph 45.

46. Intervenors state that paragraph 46 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 46.

47. Intervenors state that paragraph 47 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, the allegations in paragraph 47 are denied.

48. Intervenors state that paragraph 48 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 48.

49. As worded, Intervenors deny the allegations in paragraph 49.

50. Intervenors state that paragraph 50 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response

is required, Intervenors state that Ark. Code Ann. § 7-9-601(b)(3) speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 50 are denied.

51. Intervenors state that paragraph 51 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 51.

52. Intervenors state that paragraph 52 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 52.

53. Intervenors state that Ark. Code Ann. §§ 7-9-126(b)(4)(A) and 7-9-601(f) speak for themselves and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 53 are denied.

54. Intervenors state that Ark. Code Ann. § 7-9-601(f) speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 54 are denied.

55. Intervenors deny the allegations in paragraph 55.

56. Intervenors adopt and incorporate their responses to paragraphs 1 through 55 in their entirety.

57. Intervenors deny the allegations in paragraph 57.

58. Intervenors state that Ark. Code Ann. § 7-9-103(c)(6) speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 58 are denied.

59. Intervenors state that Ark. Code Ann. §§ 5-55-601(b)(2)(F) and 5-55-601(c) speak for themselves and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 59 are denied.

60. Intervenors state that Ark. Code Ann. § 7-9-601(d)(3)(B)(ii) speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 60 are denied.

61. Intervenors state that paragraph 61 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 61.

62. Intervenors deny the allegations in paragraph 62.

63. Intervenors deny the allegations in paragraph 63.

64. Intervenors adopt and incorporate their responses to paragraphs 1 through 63 in their entirety.

65. Intervenors state that Ark. Code Ann. § 7-9-108(b) and the case law speak for themselves and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 65 are denied.

66. Intervenors deny the allegations in paragraph 66.

67. Intervenors state that Ark. Code Ann. § 7-9-126(b) speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 67 are denied.

68. Intervenors deny the allegations in paragraph 68.

69. Intervenors adopt and incorporate their responses to paragraphs 1 through 68 in their entirety.

70. Intervenors deny the allegations in paragraph 70.

71. Intervenors deny the allegations in paragraph 71.

72. Intervenors deny the allegations in paragraph 72.

73. Intervenors adopt and incorporate their responses to paragraphs 1 through 72 in their entirety.

74. Intervenors state that Ark. Code Ann. §§ 7-9-108 and 7-9-109 speak for themselves and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 74 are denied.

75. Intervenors deny the allegations in paragraph 75.

76. As worded, Intervenors deny the allegations in paragraph 76.

77. Intervenors deny the allegations in paragraph 77.

78. Intervenors deny the allegations in paragraph 78.

79. Intervenors state that the ballot title speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 79 are denied.

80. Intervenors deny the allegations in paragraph 80.

81. Intervenors adopt and incorporate their responses to paragraphs 1 through 80 in their entirety.

82. Intervenors state that paragraph 82 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 76.

83. Intervenors state that paragraph 83 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 83.

84. Intervenors state that paragraph 84 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 84.

85. Intervenors state that paragraph 85 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 85.

86. Intervenors deny the allegations in paragraph 86.

87. Intervenors state that paragraph 87 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 87.

88. Intervenors adopt and incorporate their responses to paragraphs 1 through 87 in their entirety.

89. Intervenors deny the allegations in paragraph 89.

90. Intervenors deny the allegations in paragraph 90.

91. Intervenors deny the allegations in paragraph 91.

92. Intervenors deny the allegations in paragraph 92.

93. Intervenors deny the allegations in paragraph 93.

94. Intervenors adopt and incorporate their responses to paragraphs 1 through 93 in their entirety.

95. Intervenors state that paragraph 95 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 95.

96. Intervenors state that the popular name speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 96 are denied.

97. Intervenors state that paragraph 97 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 97.

98. Intervenors deny the allegations in paragraph 98.

99. Intervenors deny the allegations in paragraph 99.

100. Intervenors deny the allegations in paragraph 100.

101. Intervenors adopt and incorporate their responses to paragraphs 1 through 100 in their entirety.

102. As worded, Intervenors deny the allegations in paragraph 102.

103. Intervenors deny the allegations in paragraph 103.

104. Intervenors deny the allegations in paragraph 104.

105. Intervenors adopt and incorporate their responses to paragraphs 1 through 104 in their entirety.

106. Intervenors state that Ark. Code Ann. § 7-9-107(d)(1) speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 106 are denied.

107. Intervenors state that paragraph 107 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 107.

108. Intervenors state that the Attorney General Opinion marked as Exhibit A speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 108 are denied.

109. Intervenors state that the Attorney General Opinion marked as Exhibit A speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 109 are denied.

110. As worded, Intervenors deny the allegations in paragraph 110.

111. As worded, Intervenors deny the allegations in paragraph 111.

112. Intervenors state that the text of the Proposed Amendment speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 112 are denied.

113. Intervenors state that paragraph 113 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 113.

114. Intervenors state that paragraph 114 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 114.

115. Intervenors state that Article 5 of the Arkansas Constitution speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 115 are denied.

116. Intervenors state that paragraph 116 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 116.

117. Intervenors state that paragraph 117 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 117.

118. Intervenors state that paragraph 118 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 118.

119. Intervenors deny the allegations in paragraph 119.

120. Intervenors adopt and incorporate their responses to paragraphs 1 through 119 in their entirety.

121. Intervenors state that the Attorney General Opinion marked as Exhibit A speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 121 are denied.

122. Intervenors state that the Attorney General Opinion marked as Exhibit A speaks for itself and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 122 are denied.

123. As worded, Intervenors deny the allegations in paragraph 123.

124. As worded, Intervenors deny the allegations in paragraph 124.

125. Intervenors state that paragraph 125 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 125.

126. Intervenors deny the allegations in paragraph 126.

127. Intervenors adopt and incorporate their responses to paragraphs 1 through 126 in their entirety.

128. Intervenors state that paragraph 128 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 128.

129. Intervenors state that paragraph 129 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 129.

130. Intervenors state that paragraph 130 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 130.

131. Intervenors adopt and incorporate their responses to paragraphs 1 through 131 in their entirety.

132. Intervenors state that paragraph 132 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 132.

133. Intervenors deny the allegations in paragraph 133.

134. Intervenors deny the allegations in paragraph 134.

135. Intervenors state that paragraph 135 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 135.

136. Intervenors state that paragraph 136 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 136.

137. Intervenors state that paragraph 137 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 137.

138. Intervenors state that paragraph 138 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 138.

139. Intervenors state that paragraph 139 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 139.

140. Intervenors state that paragraph 140 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 140.

141. Intervenors deny the allegations in paragraph 141.

142. Intervenors adopt and incorporate their responses to paragraphs 1 through 141 in their entirety.

143. Intervenors state that the United States and Arkansas Constitutions speak for themselves and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 143 are denied.

144. Intervenors state that paragraph 144 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors are without sufficient knowledge or information to either admit or deny the allegations in paragraph 144; therefore, the allegations are denied.

145. Intervenors state that paragraph 145 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors are without sufficient knowledge or information to either admit or deny the allegations in paragraph 145; therefore, the allegations are denied.

146. Intervenors deny the allegations in paragraph 146.

147. Intervenors state that paragraph 147 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 147.

148. Intervenors state that paragraph 148 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 148.

149. Intervenors state that paragraph 149 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 149.

150. Intervenors deny the allegations in paragraph 150.

151. Intervenors state that paragraph 151 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 151.

152. Intervenors state that paragraph 152 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 152.

153. Intervenors adopt and incorporate their responses to paragraphs 1 through 152 in their entirety.

154. Intervenors state that the United States and Arkansas Constitutions speak for themselves and deny any allegations inconsistent therewith. Any remaining allegations in paragraph 154 are denied.

155. Intervenors state that paragraph 155 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 155.

156. Intervenors state that paragraph 156 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 156.

157. Intervenors state that paragraph 157 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 157.

158. Intervenors state that paragraph 158 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 158.

159. Intervenors state that paragraph 159 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 159.

160. Intervenors adopt and incorporate their responses to paragraphs 1 through 159 in their entirety.

161. Intervenors state that paragraph 161 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 161.

162. Intervenors state that paragraph 162 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 162.

163. Intervenors state that paragraph 163 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 163.

164. Intervenors state that paragraph 164 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 164.

165. Intervenors state that paragraph 165 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 165.

166. Intervenors state that paragraph 166 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 166.

167. Intervenors state that paragraph 167 contains legal conclusions, rather than factual allegations, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 167.

168. Intervenors state that paragraph 168 contains legal conclusions, rather than factual allegations, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 168.

169. Intervenors state that paragraph 169 contains a legal conclusion, rather than a factual allegation, and thus no response is required. To the extent a response is required, Intervenors deny the allegations in paragraph 169.

170. Intervenors acknowledge that Petitioners request expedited consideration but deny that Petitioners are entitled to any of the relief requested.

171. Intervenors acknowledge that Petitioners request the appointment of a Special Master but deny that Petitioners are entitled to any of the relief requested.

172. Intervenors acknowledge that Petitioners request injunctive relief, or alternatively, that any votes cast on the Proposed Amendment be stricken and invalidated but deny that Petitioners are entitled to any of the relief requested.

173. All allegations not specifically admitted herein are denied.

174. Pleading affirmatively, the Amended Original Action Petition should be dismissed for failing to state facts upon which relief can be granted.

175. Pleading affirmatively, Petitioners have not met the requirements for the issuance of either a preliminary or permanent injunction.

176. Pleading affirmatively, the Petitioners have failed to plead fraud with particularity as required by Rule 9 of the Arkansas Rules of Civil Procedure.

177. Pleading affirmatively, the Secretary of State's office should be estopped from applying a new interpretation of the term "sponsor."

178. Intervenors plead that Cherokee Nation Entertainment, LLC is not a proper party to this Original Action. Intervenors adopt and incorporate by reference their Motion to Dismiss Cherokee Nation Entertainment, LLC and incorporated brief filed on August 26, 2024.

179. Intervenors reserve the right to amend and plead further as investigation and discovery continue.

WHEREFORE, Intervenors, Local Voters in Charge, a ballot question committee, and Jim Knight, individually and on behalf of Local Voters in Charge, pray that the Original Action Petition be denied and dismissed.

Respectfully submitted,

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Knight, individually and on behalf of
Local Voters in Charge*

CERTIFICATE OF SERVICE

I, Elizabeth Robben Murray, hereby certify that on this 26th day of August, 2024, I electronically filed this Motion using the Court's electronic filing system, which shall send notification of such filing to the following counsel of record:

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